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PLANNING COMMITTEE REPORTS

ITEM NO: 1

8/90 (LOT 8 ON SP 58159) TERRACE ROAD, EAST PERTH – PROPOSED ALFRESCO AREA AND MODIFICATIONS TO HOURS AND SIGNAGE FOR APPROVED ‘LOCAL SHOP’

**PLANNING COMMITTEE
RECOMMENDATION:**

(APPROVAL)

That Council:

- 1. in accordance with the provisions of City Planning Scheme No. 2 and the Metropolitan Region Scheme, APPROVES the application for modifications to an existing local shop and associated window signs at Unit 8/90 (Lot 8 on SP 58159) Terrace Road, East Perth as detailed on the Metropolitan Region Scheme Form One dated 14 July 2016 and as shown on the plans received on 25 August 2016 subject to:***
 - 1.1 the operating hours of the local shop remaining as 7.00am to 9.00pm Monday to Friday, and 8.00am to 9.00pm Saturday and Sunday;***
 - 1.2 a revised waste management plan detailing waste collection from the alfresco seating area and management of littering by customers in the vicinity of the tenancy being submitted by the applicant and approved by the City prior to the commencement of the use of the alfresco seating area;***
 - 1.3 all window signage being installed and maintained in accordance with the plans submitted by the applicant to the City on 25 August 2016;***
 - 1.4 the existing window signage that is unaltered by this application being made good within 28 days of this approval to the City’s satisfaction, to comply with the approved plans;***

(Cont’d)

- 1.5 the proposed A-frame sign not being part of this development approval as it is considered that the sign will have an adverse impact on the visual quality and amenity of the apartment complex at 90 Terrace Road and on the character of the Terrace Road streetscape;**
 - 1.6 a maximum of two umbrellas being provided on either side of the architectural feature wall with and a maximum of four tables and seven chairs within the designated alfresco seating area;**
 - 1.7 the proposed furniture for the alfresco seating area being of high quality, strong, durable, rustproof and weather resistant materials, with the preferred materials being metal or timber and with the feet of any furniture being suitably encased in rubber or plastic to minimise noise. Final details of the furniture being submitted by the applicant and approved by the City prior to the installation of the outdoor furniture;**
 - 1.8 the proposed umbrellas providing a minimum clearance of 2.3 metres above the pavement immediately below and must not display any signage, logos or advertising;**
 - 1.9 all outdoor furniture, including umbrellas, being stored within the subject tenancy at close of business each day;**
 - 1.10 the alfresco area being maintained to a high standard of cleanliness and hygiene, to the satisfaction of the City of Perth; and**
 - 1.11 Conditions four to nine of the State Administrative Tribunal orders dated 26 October 2015 remain applicable.**
- 2. the applicant be advised that with regard to part 1.2 above, management of waste from or generated by the local shop shall be in accordance with the waste management plan as approved by the City of Perth.**

BACKGROUND:

SUBURB/LOCATION: Unit 8/90 (Lot 8 on SP 58159) Terrace Road,
East Perth
FILE REFERENCE: 2016/5293
REPORTING UNIT: Development Approvals
RESPONSIBLE DIRECTORATE: Planning and Development
DATE: 17 October 2016
MAP / SCHEDULE: Schedule 1 – Map of Unit 8/90 Terrace Road,
East Perth
Schedule 2 – Perspective

LANDOWNER: Mr L Altintas and Mrs S Altintas
APPLICANT: Mr J Qaraleh
ZONING: (MRS Zone) Central City Area
(City Planning Scheme Precinct) Adelaide (P13)
(City Planning Scheme Use Area) Residential
R160

APPROXIMATE COST: \$500

The Committee recommendation to the Council for this report was resolved by the Planning Committee at its meeting held on 25 October 2016.

The Committee recommendation to the Council is the same as that recommended by the Officers.

SITE HISTORY:

The subject site is located on the northern side of Terrace Road between Burt Way and Bennett Street, East Perth. It is occupied by the recently constructed 'Adagio' development which comprises two, four storey mixed-use buildings fronting Terrace Road located either side of a main vehicle entry, with a 24 storey residential tower to the rear. The subject tenancy is located at the ground floor level of the western four storey building, fronting Terrace Road and adjacent to the vehicle entry. It has an area of approximately 185m².

On 25 November 2014 (reference DA-2014/5395), a development application was lodged with the City of Perth for a 'local shop' with associated signage at the subject site. The Council did not support the proposal "*due to amenity concerns which would have adverse impacts on the affected adjoining owners of the proposed tenancy use.*" The applicant referred the application to the State Administrative Tribunal (SAT) for review.

The application was the subject of a number of mediation sessions and direction hearings at SAT, in which representatives of the objecting residents of the Adagio Apartments were involved. The applicant submitted revised details for consideration, addressing concerns raised regarding the proposed signage, screening of shelving, and general amenity issues.

At its meeting held on **22 September 2015**, Council considered the progress of the application through SAT and the advice of a SAT senior member and the City of Perth solicitors. It was resolved *“that given the State Administrative Tribunal's apparent disposition to inevitably grant approval for a local shop at 8/90 Terrace Road, East Perth, Council authorises the Chief Executive Officer to negotiate and execute a Consent Order in relation to SAT DR96/2015 Altintas & Anor and City of Perth.”*

The SAT issued approval on 26 October 2015 for the revised proposal subject to the following conditions (as prepared by the City of Perth):

- “1. A waste management plan including details of a permanent storage and wash down facility for bins for both recyclables and general waste, waste collection, and management of littering by customers in the vicinity of the tenancy shall be submitted for approval by the City, and be approved by the City, prior to the commencement of trading of the local shop.*
- 2. Management of waste from or generated by the local shop shall be in accordance with the waste management plan as approved by the City.*
- 3. All signage and transparency of window glazing must be installed in accordance with the plan titled 'Elevations DA Rev 3' submitted by the Applicant to the City on 19 August 2015.*
- 4. The hours of trading of the local shop must be limited to 7.00am to 9.00pm Monday to Friday, and 8.00am to 9.00pm Saturday and Sunday.*
- 5. Vehicles delivering goods to the local shop are restricted to the hours of trading, with the exception of up to two deliveries per day between 5.00am to 7.00am Monday to Friday, and 6.00am to 8.00am Saturday and Sunday, for milk and/or bread only.*
- 6. Any shelving, storage, displays and cabinets must be located at a distance of at least one metre away from transparent windows.*
- 7. All access to and from the local shop must be restricted to the door facing Terrace Road. Other doors may be used for emergency access only.*
- 8. The on-site parking bays allocated to 8/90 Terrace Road, East Perth shall be used only by the tenants of this tenancy (including for the purposes of low-volume deliveries to the local shop, where necessary) and must not be used by customers of the local shop or any other vehicles delivering goods to the local shop.*
- 9. Any vehicles delivering goods to the local shop must not park in or obstruct the private driveway to 90 Terrace Road, East Perth.”*

The shop currently provides convenience goods including some take away food such as pre-made sandwiches, pies, sausage rolls and coffee.

DETAILS:

An application has been received seeking approval for modifications to the existing local shop at Unit 8/90 Terrace Road, East Perth. The applicant is seeking to:

- modify the approved hours of operation of the shop from 7.00am to 9.00pm Monday to Friday, and 8.00am to 9.00pm Saturday and Sunday to 6:00am to 12:00am Monday to Sunday.
- have an 'A frame' sign next to the shop entry promoting the sale of coffee from the tenancy. The sign is proposed to be located within the strata lot boundaries at all times.
- remove a portion of the existing window signs to the corner of the tenancy to allow further transparency into the tenancy and install two new blank white vinyl screens to the glazed doors to the eastern façade of the shop which are permitted to be used for emergency access only. The signage is proposed to be modified in a way that ensures that the internal shelving remains screened from view of the street. The total area of the existing signage/vinyl screening on the windows is 37.8m² with the proposed modifications reducing the overall sign area on the windows to 34.8m².
- have an 'alfresco' seating area at the front of the shop within the strata lot boundaries, containing four tables, each with two chairs and an umbrella.

LEGISLATION / POLICY:

Legislation

Planning and Development Act 2005
City of Perth City Planning Scheme No. 2

Policy

Policy No and Name: Policy 4.1 – City Development Design Guidelines
Policy 4.6 – Signs
Policy 6.4 – Terrace Road Design Policy

COMPLIANCE WITH PLANNING SCHEME:

Land Use

The subject property is located within the Residential Use Area of the Adelaide Precinct (P13) under City Planning Scheme No. 2 (CPS2). The Precinct is intended to be developed as a residential quarter accommodating a wide range of residential and visitor accommodation and employment opportunities serviced by activities which support these uses. The Terrace Road Residential Use Area is intended to remain an area for high density residential uses. Non-residential uses such as kiosks, coffee shops, restaurants and local shops are appropriate provided they are small scale, serve the residents and visitors and are part of a residential or special residential development.

A local shop falls within the Retail (Local) use group under the CPS2 and in the Residential Use Area of the Adelaide Precinct this is a contemplated ('C') use subject to advertising.

The property also falls within the Terrace Road Design Policy area. An objective of the Policy is *"to encourage a range of incidental and complimentary commercial uses adjacent to street frontages in order to increase the level of activity along both Terrace Road and the existing north/south streets."*

Development Requirements

The proposed changes to the existing local shop do not affect any of the approved development standards for the 'Adagio' development.

In accordance with Clause 67 of the *Planning and Development (Local Planning Scheme) Regulations 2015 – Deemed Provisions for Local Planning Schemes*, in considering this application the Council is to have due regard to the following matters to the extent that, in the opinion of the Council, those matters are relevant to the proposed development as follows:

- "(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- (b) the requirements of orderly and proper planning...;*
- (g) any local planning policy for the Scheme area;*
- (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the ... appearance of the development;*
- (n) the amenity of the locality including the following —*
 - (i) environmental impacts of the development;*
 - (ii) the character of the locality;*
 - (iii) social impacts of the development;*
 - (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*
 - (y) any submissions received on the application;"*

The proposed revised hours of operation require planning development approval as it is varying a condition that was imposed on the existing approval.

A development application is required for the alfresco area under the CPS2 for works altering the external appearance of the building and for modifying the approved use of the land.

The proposed modifications to the signage will vary a condition imposed on the existing development approval and seeks to vary the requirements of the City of Perth's Signs Policy. Variations to the Signs Policy provisions applicable to the

development can be granted by an absolute majority decision of the Council, in accordance with Clause 47(3) of the CPS2 and provided the Council is satisfied that:

- ‘47(3)(c)(i) if approval were to be granted, the development would be consistent with:*
- (A) the orderly and proper planning of the locality;*
 - (B) the conservation of the amenities of the locality; and*
 - (C) the statement of intent set out in the relevant precinct plan; and*
- (ii) the non-compliance would not have any undue adverse effect on:*
- (A) the occupiers or users of the development;*
 - (B) the property in, or the inhabitants of, the locality; or*
 - (C) the likely future development of the locality’.*

COMMENTS:

Consultation

The application was advertised to a total of 115 owners at 90 Terrace Road, East Perth from 7 September 2016 to 3 October 2016.

A total of 23 submissions were received during the advertising period all of which were objections to the proposal. The submissions are available for Elected Member viewing if requested and the issues raised are summarised as follows:

Extension of Opening Hours

- a) SAT concluded that the shop should only operate during the current approved hours as it believed opening hours beyond these times would negatively impact the residents within Adagio and the surrounding area. Extending the shop opening hours until midnight each day of the week, is neither required nor acceptable for those living directly next to the shop.
- b) The extended trading hours will increase the security risk to the whole Adagio complex with people loitering about at night and the early hours of the morning.
- c) The use and enjoyment of adjoining residential balcony space will be impacted by the extended operation hours by lighting from the store.
- d) The unit was never intended to be open for business seven days a week with long trading hours, otherwise current owners may not have purchased. Other uses within the area are restricted in operating hours 9.00pm or 10.00pm or located where they will not be affected residents.
- e) There are two shops operating 24 hours, seven days a week in close proximity, which can service the requirements of casual visitors and locals to the area. These shops are separated by a number of levels between the Residential uses above, and as such do not have impact on residents within these buildings.

- f) There is no control of wrappings and other material from food that buyer's litter around the front of the building and this will only increase with longer hours. At present the proprietor does not strictly control this and no rubbish bins are provided.
- g) One resident who lives above the shop advised they are more than happy for the shop to operate between the hours of 6.00am to 10.00pm latest.

Signage

- a) The proposed removal of existing screening located at the corner of the shop would also increase the shop's visibility considerably. The apartments which face the shop directly will be further compromised in terms of privacy and the visual disturbance from the shop would be increased, particularly in the evenings when utilising the balcony for dining and relaxing.
- b) The provision of an 'A frame' sign next to the doorway will restrict access and potentially cause harm to the public.
- c) The 'A' frame sign will add to the visual pollution.
- d) The 'A' frame sign is against the strata by-laws and thus cannot be approved. In spite of the existing restrictions the tenant has been displaying a sign in the entrance for an extended period
- e) Removing the existing signs (vinyl wrap) will result in the increase of visual pollution from the shelving and displays and will not be in keeping with the premium complex.

Alfresco

- a) Little justification of why umbrellas are needed in the proposed alfresco area, as the proposed area is undercover and is only being proposed to increase the shops "visibility".
- b) The area proposed for the alfresco is not the same design or size as alfresco areas in other commercial developments along Terrace Road.
- c) Patrons of the tenancy can utilise existing seats and facilities located along Terrace Road and the many seats and facilities across the road on Langley Park.
- d) The proposed 'alfresco' area will further lower the standard of the complex and lower property values. The tables and chairs would need to reflect the theme of a premium residential building.
- e) There is a concern of where the chairs and tables will be stored.
- f) Advertising will be attached to the umbrellas.

- g) The alfresco area will promote people to smoke and will result in more rubbish being left around the verge area.
- h) The use of alfresco area has the potential to become noisy late at night.
- i) Any attempt to anchor the umbrellas will further result in deterioration in the maintenance of the pristine, luxury appearance the residents seek to maintain.
- j) The area is too small to house the amount of tables, chairs and umbrellas currently proposed. The alfresco area will create a cluttered appearance and umbrellas are not feasible. If an umbrella were to be placed in this area it would need to be less than a metre wide as there needs to be space for a thoroughfare.
- k) The proposed alfresco area would cause considerable access difficulties to residents and shoppers (in particular the blind, disabled and less mobile pedestrians). The terrace is very narrow with numerous steps, and any objects positioned on the terrace would immediately become a safety hazard and raises a question of liability and insurance.

Parking and Deliveries

- a) There have been many occasions where visitors to the convenience store, have parked in the driveway causing issues with access for the residents. The extension of operating hours is likely to increase this as visitors are unlikely to walk to the store at night.
- b) Delivery trucks have limited parking space if the Terrace Road curbside bays are full frequently they park in the bus bay which causes problems for the bus drivers.
- c) Vehicles have parked on the lawn verge causing damage to the lawn and sprinkler system
- d) Terrace Road is mainly a residential street and parking in the evenings is limited, especially if there is functions on at the Pan Pacific, Hyatt and Crowne Hotels.

Breach of Existing Approvals

- a) The shop has been continually in breach of the Planning Orders and the strata by-laws.
- b) The tenants of the unit are in breach of the conditions of planning approval relating to:
 - signage and transparency of window glazing;
 - restriction in the hours of trade;
 - shelving, storage and displays being screened from view;
 - all access to and from the shop being restricted to the door facing Terrace Road; and

- any vehicles delivering goods must not park in or obstruct the private driveway.
- c) Approval is required under the strata by-laws for the change in operating hours, signage and use of the alfresco area;
- d) The existing, agreed, signage was tampered with and is now in poor order.

General

- a) To date there has not been an application to the Council of owners for the proposed changes.
- b) Patrons frequently drop rubbish and cigarettes in the vicinity and the shop has not been observed to make any attempt to clean the area. The cleaners employed by the strata have been cleaning this area.
- c) The owners of the shop have demonstrated no regard for our residence, maintaining damaged vinyl wrap, signage on external windows, dirty windows, failure to pick up shop rubbish including smoking on the steps and discarding butts, blocking common property fire doors, regularly utilises the side access door which was not permitted under planning approval and cheap hand made signage supported by unauthorised flashing coloured signs.

A summary of the issues raised was provided to the applicant and he has provided responses which form an attachment to this report. A summary of the main points raised by the applicant are as follows:

- a) There is sufficient parking allocated to the unit on site for the limited deliveries and staff parking.
- b) At no point in time do delivery trucks or visitors to the shop block the common driveway, with other vehicles unrelated to the shop frequently blocking the common driveway.
- c) We do not breach the current opening hour restrictions as alleged.
- d) The extension of the opening hours will have a beneficial impact on late night security within the area.
- e) The petition provided is sufficient proof that the extension of operating hours is needed and warranted.
- f) The shop is required to open outside of supermarket operating hours to be successful and the restriction in the number of local shops within the area should be market led.
- g) The light emanated from the shop in later hours will not impact on the residents in adjoining apartments and noise generated from the alfresco area during the evening will be limited as there will be few patrons utilising this area at that time.

- h) The modifications to signage are necessary to ensure people are aware of the shop with the 'A Frame' sign required to promote weekly specials.
- i) The claim that the alfresco area will disturb residents or restrict the access is untrue with the storage of the alfresco furniture is easily accommodated within the shop.
- j) The alfresco area will assist in protecting customers from rain and sun exposure and help promote the café aspect of the shop with the umbrellas to be removed in inclement weather.
- k) The shop only sells four to five packets of cigarettes per day with most of these being sold to residents of the complex and it is unlikely the alfresco area will promote smoking and littering.
- l) There is sufficient space to accommodate more than four tables, umbrellas and eight chairs.
- m) The shop is always clean with no rubbish with sufficient rubbish bins in the shop for patrons of the shop to utilise.

A petition against the approval of the modifications to the proposed local shop was submitted on 3 October 2016. The petition contained a total of 48 signatures all from the Adagio development at 90 Terrace Road, East Perth (of which multiple submissions have been made from occupants of the same apartments). The petition requested the non-support of the proposal for the following reasons:

- "1. The significant detrimental impact to residential and visual amenity that would result from the proposal;*
- 2. The applicant's continued disregard for the amenity of residents in the Adagio development, both prior to and subsequent to operating a Local Shop at Lot 8; and*
- 3. The applicant's continued disregard for the current planning approval conditions that were mediated through the State Administrative Tribunal just over 12 months ago".*

The issues raised in the petition are generally reflected in the submissions received during the advertising period.

The applicant provided a petition for support for the proposal for the 'extended hours until 12.00am from the shop'. The petition contained a total of 122 signatures comprising of:

- 16 residents of the Adagio development at 90 Terrace Road, East Perth;
- 10 residents of the Toccata development at 88 Terrace Road;
- eight residents of Reflections East at 98 Terrace Road, East Perth;
- 44 residents from the broader Terrace Road area;
- 18 residents from the broader East Perth area;

- 25 from the broader Perth region; and
- One submission from outside Western Australia.

Copies of the petitions have been provided to Elected Members under separate cover.

Comments

The applicant's response and the issues raised by the objectors are discussed under the following headings:

Operating Hours

The applicant advised that almost all of their customers from within the complex and surrounding complexes, offices and hotels have requested business hours to be extended. They have also stated that the peak time for the shop is between 9.00pm to 12.00pm when the larger supermarkets are closed and opening within these times is necessary for the viability of the business.

Regarding the security concerns expressed the applicant has responded the extension of the opening hours will have a beneficial impact on the safety of the area as it will provide late night surveillance to the area and the shop will have a security guard on duty. It is considered that the extension of hours would be beneficial to the safety of the area by providing passive surveillance however this should not be at the detriment to residential amenity within the area.

Clause 2.1 of the Terrace Road Design Policy states the objectives of the land uses within the area is "*to actively encourage a wide variety of high density residential development supported by a range of complimentary commercial uses along the Terrace Road frontage*". The extension of the operating hours until midnight is not considered to compliment the residential uses due to the potential amenity impacts on the abutting residential uses.

Whilst it is acknowledged that there are a number of 24 hours shops within close proximity of the site this is not a relevant planning consideration. The separation distance between the shop and apartments particularly within the podium level of the building is however of concern with the shop potentially generating noise from additional vehicular and pedestrian movements and light pollution that would have negative impact on the amenity of the residents within these apartments.

It is acknowledged that the matter of operating hours was previously given extensive consideration during SAT mediation and in recognition of the potential impact that later trading hours could have on the residents of the Adagio apartments the parties agreed to a condition limiting the hours from 7.00am to 9.00pm Monday to Friday, and 8.00am to 9.00pm Saturday and Sunday, through a Consent Order. While later trading hours could be enjoyed by some, given the comments received by the affected residents, it is considered that the proposed change of hours should not be supported as this would adversely impact on the residents' amenity and would be contrary to the orderly and proper planning of the locality.

Signage

Whilst the removal of the portion of the signage to the façade of the tenancy will result in visibility into the shop being increased it is considered the signage will still provide sufficient screening to those shelves within close proximity to the shop front. The existing condition requiring any shelving, storage, displays and cabinets being located at a distance of at least one metre away from transparent windows will still have effect and can be enforced by the City of Perth.

It is considered that the removal of this section of the signage will not add to any visual privacy issues for the balcony which is already clearly visible from surrounding public spaces. It is also considered the proposed modification to the approved window signage to the street façade of the building will have a beneficial impact on the streetscape of the area providing greater visual surveillance and adding visual interest and vitality which is consistent with Clause 5.2.2(a) of the City Development Design Guidelines Policy 4.1.

The installation of the additional white vinyl to the glazed doors to the eastern façade of the shop will assist in compliance with the existing condition requiring all access to and exit from the local shop being restricted to the door facing Terrace Road. This additional vinyl film will also assist with screening shelving and reducing light spill to surrounding apartments.

The 'A frame' sign placed within the shop entry is considered to be inappropriate to the character of the site and potentially will add to visual clutter on the site. It could be a trip hazard to pedestrians and will potentially block pedestrian movement into and out of the tenancy. The sign also could have the potential to become a hazard in strong winds. Given the sign will be portable it could be relocated to a safer location, however this could make it more visually prominent with greater impacts on the amenity of the site. Therefore, the addition of an A-frame portable sign should not be supported.

Alfresco Area

Submissions raised questions regarding the need for the umbrellas for the proposed alfresco area due to lack of direct sunlight to the site. Whilst it is acknowledged the alfresco area may not receive direct sunlight for the majority of the time it is considered the umbrellas will provide interest and activation to the shop front and the 'need' for the umbrellas is not a relevant planning consideration.

It has also been raised that the alfresco area will not match existing alfresco areas along Terrace Road and will lower the standard of the complex. The City's scheme and policies do not impose requirements for the design of outdoor seating areas with the appropriateness and design assessed on a case by case basis. The alfresco area is considered to be appropriate in size and location and is not considered to have a detrimental impact on the building or its surrounds.

Concern has been raised regarding the use of the alfresco area having the potential to become noisy late at night. Given the recommended retention of the existing

operating hours it is not considered the use of the alfresco area will have any adverse impact on the residents.

Residents raised concerns regarding where the chairs and tables will be stored. The applicant has advised that all furniture will be stored within the shop at close of business and that there is sufficient room to accommodate this. It is considered that this is an acceptable solution and should be imposed as a condition on any approval granted.

In regard to the concerns expressed regarding smokers the applicant has also advised the area in front of the shop is always maintained clean and there are currently three rubbish bins inside the store for customers to use. It is not considered the alfresco area will result in an increase in smoking and rubbish within the front of the shop however a condition should be imposed on any approval granted requiring an updated management plan be provided prior to the alfresco area commencing detailing littering by customers and waste generated by the alfresco area.

Residents also raised safety concerns and liability issues regarding the alfresco area. The proposed umbrellas will be required to be secured to the satisfaction of the City of Perth with a condition being imposed to this effect. The applicant has also advised that in inclement weather the umbrellas will not be utilised.

The alfresco area is proposed to occupy an area of 1.07 metres from the railing which will leave a pedestrian manoeuvring area between the alfresco area and the shop front of 1.03 metres. Pedestrian flow through this space is currently impeded by the architectural support feature of the building which intrudes into the space by the same distance. The primary access to the tenancy is via the steps directly in front of the tenancy which is not impacted by the alfresco area. Disabled access to the tenancy is currently obtained via the ramp to the east of the tenancy as there are steps to the west and east of the alfresco space. As such the alfresco area will not block any space designated for disabled access to the tenancy or site.

The City of Perth Council Alfresco Dining Policy 14.4 is applicable to public land only however is considered an appropriate guide to assess the proposed alfresco area. The policy states that the minimum practical width of an alfresco dining area is one metre which will allow for 2 chairs and a table. The policy also requires a maximum of one chair per square within an alfresco dining area. The proposed alfresco area is 7m² in size and as such to be in line with the City of Perth's Alfresco Dining Policy a maximum of seven chairs should be provided. To ensure the area is not visually cluttered it is recommended a maximum of two umbrellas be provided on either side of the architectural feature wall with a maximum of four tables and seven chairs over the area.

The policy also requires furniture to be strong, durable, waterproof, rustproof and weather resistant and should fold or stack for storage for removal from the alfresco dining area each day. The preferred materials are metal or timber with the feet of any metal furniture being suitably encased in rubber or plastic to minimise noise. To provide shade and shelter, high quality market umbrellas are encouraged. It is considered that a condition requiring the proposed alfresco furniture to be of a high quality and being maintained so as not to detract from the prestigious character of

the apartments, with final details of the furniture being submitted and approved by the City of Perth prior to its installation.

The City of Perth's Alfresco Dining Policy requires a canopy of umbrellas to provide a minimum headlight of 2.3 metres above the pavement. A height of 2.83 metres is provided above the alfresco area floor to the underside of floor above. As such it is feasible for the umbrellas to provide this minimum head height clearance with a condition to this affect be imposed on any approval granted.

The applicant has indicated that the proposed umbrellas will have the café name displayed on them. This signage has not been submitted by the applicant and would be subject to a separate application for planning approval. The signage however is considered to have the potential to add to visual clutter within the area and is not considered to be in keeping with the area. A condition should be imposed on any approval granted requiring the umbrellas to display no signage.

Parking and Deliveries

Concern was raised by the residents regarding insufficient parking and illegal parking of vehicles. The applicant has advised that there is sufficient parking in front of the shop and the majority of their customers are from the site and surrounding apartments, offices and hotels and therefore walk to the shop. Deliveries are also limited to two to three times a month with most deliveries undertaken by the owners of the shop which utilise their allocated parking. Furthermore they have stated that not once has a delivery parked within the driveway of the complex and advised that numerous deliveries and tradesmen unrelated to the business are parking within the driveway. Regardless of the allegations, these issues are not relevant to the current proposal.

Breach of Existing Approvals

Concern has been raised regarding ensuring compliance with any existing and proposed development conditions. As with any conditions of development approval, they are enforceable in accordance with the *Planning and Development Act 2005*, with the standard powers and fines applicable.

It has also been noted that the existing, agreed, signage was tampered with and is now in poor order. It is considered appropriate that a condition be imposed on any approval granted for the existing window signage is made good to comply with any modified approval to the City of Perth's satisfaction.

General

In regards to issues raised about the existing signage within the shop, these signs are currently exempt from planning approval as they do not constitute a sign requiring development approval under the City of Perth's Signs Policy 4.6. The City's draft revised sign policy proposes to modify this to require all internal signs within one metre of the shop front to be the subject of development approval however, this would not apply retrospectively to existing signs.

With regard to the shop not being approved as a 'coffee shop' the applicant is not seeking to change the use of the local shop or for the sale of coffee and fresh food to be the predominant use of the tenancy with the sale of these products considered ancillary to the approved use of the Local Shop.

Strata By-Laws

The Council of Owners has raised concerns regarding the compliance with the Strata By-laws. However, compliance with the By-Laws would need to be pursued by the Council of Owners independently. The Strata By-Laws do not fall within the matters which can be considered when determining a development application under the CPS2.

Conclusion

The proposed alfresco area and modifications to the window signs are considered to be an acceptable outcome for the Terrace Road streetscape and is consistent with the intent of the CPS2 and the Terrace Road Design Policy. Subject to conditions discussed within the report these modifications to the local shop are unlikely to have any significant impact on the amenity of the locality or on the residents of 90 Terrace Road and can therefore be supported.

The proposed 'A frame' sign is not supported due to the potential to add to visual clutter within the area and quality of the sign is considered to be inappropriate for the area.

The proposed extension of the operating hours of the shop are also not supported due to the potential impact the hours would have on the amenity of those residents from additional noise and light pollution during late evening hours.

ITEM NO: 2

EVENT – WELLINGTON SQUARE – CHINESE CULTURAL WORKS PRESENTS PERTH FESTIVAL OF LIGHTS

**PLANNING COMMITTEE
RECOMMENDATION:**

(APPROVAL)

That Council:

- 1. approves the use of Wellington Square for the Perth Festival Of Lights, from Friday, 24 March 2017 until Sunday, 7 May 2017 from approximately 6.00pm to 9.30pm subject to the event organiser Chinese Cultural Works:***
 - 1.1 indemnifying the City of Perth against any claim arising from the event and the applicant's use of Wellington Square and holding a Public Liability Insurance Policy with a limit of indemnity of not less than \$10,000,000;***
 - 1.2 covering all costs associated with the event including City of Perth supervision and services, cleaning and repairing any damage to Wellington Square resulting from the event and any other costs identified in the management plans to mitigate any risks;***
 - 1.3 paying the estimated reserve hire fee of \$62,004.55 (excluding GST), Public Building fees, Regulation 18 application fee and associated noise monitoring costs and a \$20,000 damages bond;***
 - 1.4 complying with the relevant requirements of the Health Act 1911, Food Act 2008, Environmental Protection (Noise) Regulations 1997 and the Health (Public Buildings) Regulations 1992;***
 - 1.5 providing management plans to adequately address risk, noise, waste, parking, security and disability access and inclusion to the satisfaction of the City of Perth, at least one month prior to the event;***

(Cont'd)

- 1.6 providing written notification of the event and any noise related issues to the surrounding commercial and residential premises, to the satisfaction of the City, one month and again seven days prior to the event;**
 - 1.7 submitting a Certificate of Design Compliance for any structures greater than 500m² in accordance with the Building Act 2011.**
- 2. notes that the event organisers will acknowledge the City of Perth in all promotion for the event, appear on all event programs and on all social media, will create a City of Perth lantern featuring the City of Perth crest and invite the Lord Mayor or representatives to speak at the event.**

BACKGROUND:

FILE REFERENCE: P1033199
REPORTING UNIT: Activity Approvals Unit
Environment and Public Health
RESPONSIBLE DIRECTORATE: Planning and Development
DATE: 27 September 2016
MAP / SCHEDULE: Schedule 3 – Site layout and sample images from the Event Brochure

The Committee recommendation to the Council for this report was resolved by the Planning Committee at its meeting held on 25 October 2016.

The Committee recommendation to the Council is the same as that recommended by the Officers.

The Perth Festival of Lights celebrates Chinese culture through a display of a variety of beautiful and unique silk lanterns.

The vibrant light displays come in all shapes and forms, including Chinese zodiacs, warriors, temples, mythical creatures, a wide range of animals and many more. To complement the visual experience, there is ambient music which will be played along the tree-lined paths, as well as the interactive sounds that some of the displays have making it a 4D experience.

Chinese Cultural Works (CCW) regularly produces and manages events and productions for a range of stakeholders across Australia. In 2014 and 2015, CCW worked with Logistics & Events Australia to light up local reserves in Dandenong, Victoria, with a 50 metre long dragon during the Chinese New Year. Exhibitions usually consist of up to 35 light displays ranging from moonlit walks, castles, Chinese zodiacs and animal exhibits.

Western Australia is a culturally diverse state and 13.4% of the City of Perth's population background is Chinese. This festival offers the opportunity for people from all backgrounds to attend a Chinese cultural event, and aligns with the City of Perth Strategic Community Plan objectives of "reflect and celebrate the diversity of Perth".

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation	<i>Environmental Protection (Noise) Regulations 1997</i> <i>Health Act 1911</i> <i>Food Act 2008</i> <i>Health (Public Buildings) Regulations 1992</i> <i>City of Perth Local Government Property Local Law 2005</i> <i>Building Act 2011</i>
Integrated Planning and Reporting Framework Implications	Strategic Community Plan Council Four Year Priorities: Perth as a capital city S5 Increased place activation and use of under-utilised space IP11 Contribute to and facilitate the activation and use of vacant private and public space. S15 Reflect and celebrate the diversity of Perth

DETAILS:

An application has been received from Chinese Cultural Works to exhibit the Perth Festival Of Lights at Wellington Square from Friday, 24 March 2017 until Sunday, 7 May 2017.

The exhibition will be utilising the eastern portion of Wellington Square, which will be fenced off as a ticketed event. The area will consist of an estimated 34 individual lighting exhibitions ranging in size from small panda bears to a lighted dragon 50 metres long and 7 metres high. Within the exhibition area there will be food and beverage outlets, toilets and up to three stages for cultural performances of traditional Chinese music and dance.

Event organisers are expecting the exhibition to attract approximately 2,000 attendees per session. The maximum number of patrons allowed at the event at any given time will be set by the City of Perth Environment and Public Health in the Temporary (Public Building) Approval, once a site plan has been submitted.

It should be noted that the event organisers have advised that if the proposed traditional music and dance performances are considered to have too great an impact on residents, they would alter performance times accordingly. This will be managed through the noise approval process, which will require event organisers to submit a detailed noise management plan and other supporting documentation.

Audience demographics suggests that most attendees will be family orientated and will arrive by car, therefore the event organiser will be required to advertise suitable transport routes and surrounding car park locations. The City of Perth Royal Street

Car Park is within 200 metres of the venue and can accommodate parking requirements.

FINANCIAL IMPLICATIONS:

Account no:	CL 11A80000
Budget item:	Activity Approvals Unit-Parks Gardens & Reserves
Budget page number:	79
Budgeted amount:	-\$310,000.00
Income amount received to date:	-\$ 56,979.00
Proposed income:	-\$ 62,004.55
Total:	-\$118,983.55

All figures quoted in this report are exclusive of GST.

The reserve hire fee of \$62,004.55 (exclusive of GST) is in accordance with the approved 2016/17 Fees and Charges for non-ticketed events.

A refundable bond of \$20,000 will be required to cover any potential damage that maybe caused to the reserve or to any City of Perth.

COMMENTS:

The applicants will be required to provide comprehensive event, risk, noise, evacuation, parking, waste, pedestrian, security and disability access and inclusion management plans. All public health and safety requirements relating to the event will be stipulated in the Temporary (Public Building) Approval, in accordance with the *Health Act 1911* and *Food Act 2008*, granted by the City of Perth Environment and Public Health unit, subject to all relevant information/documentation being submitted. All noise associated with the event will be managed in the Regulation 18 Noise approval in accordance with the *Environmental Protection (Noise) Regulations 1997*.

The event organisers will need to work closely with relevant units within the City of Perth to ensure that all above mentioned plans are adequately addressed.

It is acknowledged that this event has potential to cause some damage to the reserve, however with the correct turf management plan in place being implemented by the event organisers in conjunction with the City of Perth Parks unit, it is anticipated that the recovery time of the reserve can be greatly decreased. Due to the nature of the proposed structures, the City of Perth has been advised that watering of the reserve can continue without any damage to exhibition infrastructure which will enable the growth of the grass to continue whilst the event is in operation. The cost of any repairs to the reserve will be deducted from the bond.

No road closures will be associated with this event and patrons will have ample parking within the vicinity. The reserve is in close proximity to local railway stations and has a frequent bus service along Wellington Street.

Impact on Residents

Most music related events, including concerts, music festivals and circuses are held along the City's foreshore; namely, Supreme Court Gardens, Langley Park, and in more recent years Ozone Reserve. Notwithstanding, Langley Park bears the brunt of these events and as a result does receive complaints especially if they are conducted over an extended period of time, for example, Cirque Du Soleil.

The Supreme Court Gardens, after the redevelopment of the reserve, does not have the capacity to host this event.

Langley Park is heavily used throughout January, February, March and April with Australia Day, Opera in the Park, Perth International Arts Festival and multiple sporting events. Russell Square will also be occupied from January through March 2017 with Fringe World. In order to disburse noise related events and activate other event spaces throughout the city, Wellington Square was considered the best suited site to hold Perth Festival of Lights.

No large events have been held on Wellington Square since 2012, except for a small section used in 2015 Perth International Art's Festival - "The Giants".

A survey of residents directly abutting Wellington Square was carried out between 2 September and 16 September.

Out of 334 survey forms issued, 47 yes and 5 no responses were received.

Four respondents expressed reservations about the proposed duration of 6 weeks being too long.

On this result, it is considered that the majority of residents support the event.

Promotion

There is the opportunity to work closely with event organisers on cross promotion which will be beneficial to the City of Perth as multimedia outlets such as Twitter and Facebook can be utilised.

Support

For several years now, this exhibition has been carried out at City of Greater Dandenong outer Melbourne and at the City of Gold Coast, on the Gold Coast. The event organisers have in the past worked with these Local Councils, and received financial support including waiving the venue hire and reducing the ground hire fee for the duration of the event. It is noted that the event at the Gold Coast had a duration of 70 days.

Perth Cultural Works have asked if the Council would consider supporting this exhibition by reducing the ground hire fees by a third or waving them completely. In consideration of the above, the fee calculated is based on a non-ticketed event which has substantially reduced the fee from \$268,363.64 (exclusive of GST) for a ticketed

event to \$62,004.55 (exclusive of GST). This non-ticketed event fee is comparable to the event fees charged by other local authorities for this type of event.

Environmental Protection (Noise) Regulations 1997

The event will require approval as a non-conforming event under the *Environmental Protection (Noise) Regulations 1997*. The organisers will be required to submit a noise management plan detailing;

- Predicted noise levels and noise modelling;
- Venue layout;
- Details of how the applicant proposes to manage noise emissions;
- Complaint response strategies;
- Details of the types of speakers to be used; and
- List of performances and screenings.

Due to the duration of the event, extensive consultation will take place with event organisers both prior to and during the event to ensure minimal impact occurs to surrounding residents.

The Regulation 18 Noise Approval will allow for changes to occur such as reducing noise level limits, extra notification and consultation with residents and noise monitoring both by the city and an independent acoustic consultant throughout the event if necessary.

It should be noted that this event is considered to be low impact as the music component of the event will be completed by 8.30pm (to be finalised) with noise from the lanterns only until finish time (for example, the sound of a tiger roaring) which will be emitted by speakers located in close proximity to the lanterns.

Health (Public Building) Regulations 1992

The applicant will be required to submit a Form 1 'Application to construct, extend or alter a public building' in accordance with the *Health Act 1911* and comply with any other requirements of the *Health Act 1911*, *Food Act 2008* and *Health (Public Building) Regulations 1992*.

Public health, safety and security of patrons will be addressed in the Temporary (Public Building) Approval.

Economic and Activation Benefits

The Perth Festival of Lights aligns with the objectives set out in the City's Vision 2029 and Strategic Community Plan, these are:

- Collaborate with private sector to leverage City enhancements;
- Increased place activation and use of under-utilised space;
- Development of a healthy night-time economy; and
- Reflect and celebrate the diversity of Perth.

The event delivers on the City of Perth's Economic Development services of developing and supporting tourism, and international engagement. This event has the capacity to promote Perth as a leader in cultural collaboration and is in line with one of the State Government's objectives to attract Chinese visitors to Western Australia.

This family friendly night time event expects to attract families to Wellington Square and the City of Perth. It is a unique event which has not previously been held in Western Australia and is likely to raise the profile of the City of Perth with significant media coverage. The event organisers are committed to acknowledging any support from the City of Perth across promotion, advertising and social media.

It is anticipated that attendees will visit surrounding businesses prior to and after the event, providing economic benefits to those businesses. Event organisers will bring a production crew of 24 from China to work on the event set-up, with seven of these staying for an additional 53 days for the duration of the event and event bump out. It is anticipated that two event managers will travel from Melbourne for the duration of the event.

CONCLUSION:

This event has the potential to generate some noise complaints from the abutting properties and some damage will likely occur on the reserve. However, with the preparation of a number of management and communication plans, it is anticipated that the event will be safe and successful.

The Perth Festival of Lights, exhibited by Chinese Cultural Works will promote interest and vitality in the City of Perth and activate the use of Wellington Square. It is proposed to attract 90,000 patrons across the 45 days the exhibition is open; showcasing traditional Chinese culture, dance music and food, that has captivated audiences both nationally and internationally.

Therefore is it recommended that the use of Wellington Square from Friday, 24 March 2017 until Sunday, 7 May 2017 for the Perth Festival of Lights be approved.

ITEM NO: 3

INVESTIGATION OF FOOD AND BEVERAGES PREPARATION WITHIN ALFRESCO DINING AREAS

**PLANNING COMMITTEE
RECOMMENDATION:**

(FOR INFORMATION)

That Council:

- 1. receives the report on the implications of permitting the preparation of food and beverage on a temporary basis in alfresco areas and its implications on the City of Perth Alfresco Dining Local Law 2009 and Council Policy 14.4 – Alfresco Dining Policy 2000;***
- 2. notes that the Council Policy 14.4 – Alfresco Dining Policy 2000 and the City of Perth Alfresco Dining Local Law 2009 will be reviewed in 2017.***

BACKGROUND:

FILE REFERENCE: P1014820-2
REPORTING UNIT: Environment and Public Health
RESPONSIBLE DIRECTORATE: Planning and Development
DATE: 10 October 2016
MAP / SCHEDULE: N/A

The Committee recommendation to the Council for this report was resolved by the Planning Committee at its meeting held on 25 October 2016.

The Committee recommendation to the Council is the same as that recommended by the Officers.

At the Planning Committee meeting held on 21 June 2016, a notice of motion was put requesting:

“That the administration prepares a report for the consideration of outlining how the Alfresco Dining Local Law (2009) and Alfresco Dining Policy 2000 can be amended to allow licensees, to, on a temporary basis only, i.e. not more than once per week, be allowed to, inside their existing alfresco permit area, prepare food and drink.”

Commercial food preparation in Western Australia must comply with the requirements of the *Food Act 2008* (the Act). Under the Act, food is defined as “any

substance or thing of a kind used, or represented as being for use, for human consumption (whether it is live, raw, prepared or partly prepared)". The Act utilises the Australian and New Zealand Food Standard Code (ANZFS Code) which stipulates the minimum requirement for food safety practices and food premise fit out.

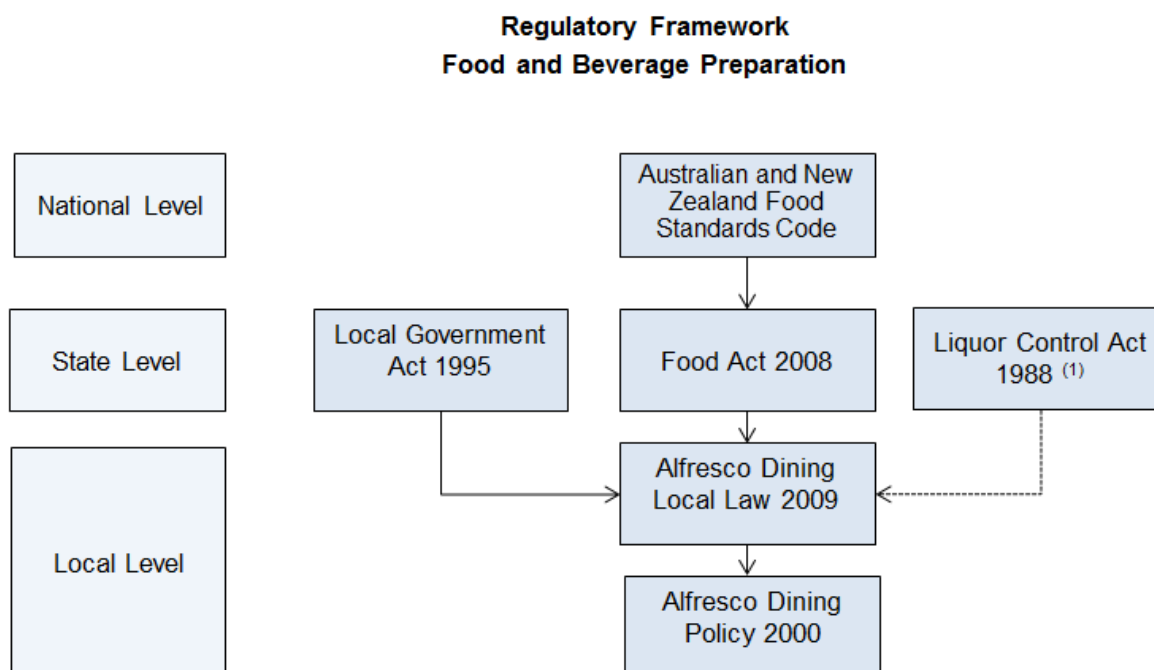
LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation	<i>Food Act 2008</i> <i>Australian and New Zealand Food Standards Code</i> <i>City of Perth Alfresco Dining Local Law 2009</i>
Integrated Planning and Reporting Framework Implications	Strategic Community Plan Council Four Year Priorities: Capable and Responsive Organisation S18 Strengthen the capacity of the organisation.
Policy	
Policy No and Name:	14.4 – Alfresco Dining 2000

2 DETAILS:

2.1 Regulatory Framework

In investigating the implications of the permitting, on a temporary basis, the preparation of food and beverage in alfresco areas it is considered important to understand the regulatory framework that governs food and beverage preparation in in Western Australia.



(1) Only applies when food premises that have a liquor licenses for the alfresco area.

The *Local Government Act 1995* provides the City of Perth with the legal ability to adopt a local law for the regulation, control and management of alfresco dining areas; while the *Food Act 2008* provides the legal requirements for how food is prepared. The City's Alfresco Dining Policy provides the policy guidelines for how alfresco dining is implemented.

2.2 Requirements of the Australian New Zealand Food Standards Code(ANZFSC)

Commercial food preparation must comply with requirements specified in the ANZFSC. Deviation from this standard may increase the risk of food contamination and potentially increase the incidence of food related illnesses reported by patrons.

To ensure compliance with the national standard, food/beverage preparation undertaken in alfresco dining areas would need to meet specific requirements of standards within ANZFSC. These include:

- Standard 3.2.2 - requires that a food business must take all practical measures to process only safe and suitable food and when processing food take all necessary steps to prevent the likelihood of food being contaminated.
- Standard 3.2.3 - requires the provision of hand washing facilities and the provision of smooth and impervious floors, walls, ceilings and finishes in area where food preparation occurs.

With the above standards in view, any proposal to prepare food or beverage in an open alfresco area would need to address:

- a) the potential for exposure to physical contamination from dust and other air born particles during processing;
- b) the lack of walls and proper ceilings to exclude dirt, dust, fumes, smoke and other contaminants may further increase the risk of food contamination; and
- c) space constraints in particular in streets carrying large volumes of pedestrians and associated infrastructure such as bus stops.

In addition, without proper flooring the spillage from food preparation may be deposited onto pedestrian footpaths.

2.3 Application of ANZFSC for Approved Events Temporary Food Outlets & Food Vehicles

Temporary food outlets and food trucks have been approved in the city; examples being the Hawkers Markets, the Food Truck Rumble and the City of Perth food truck trials.

All temporary food outlets and food vehicles at events in the city are allowed to prepare and serve food subject to compliance with the food safety and hygiene requirements as specified in the ANZFSC.

The way these outlets address the requirements of the ANZFSC has been by ensuring that all food is prepared within a space that contains walls and ceilings such as temporary marquees.

Prior to temporary food outlets and food vehicles being approved to trade, the proprietors must submit to the City of Perth, a Special Events Permit application, a copy of their food business registration, a layout / plan of food stall and public liability insurance.

In terms of the preparation of food in an alfresco area, meeting the ANZFSC standards could represent a major obstacle in that to meet requirements mentioned above, the food preparation area would need to be partly enclosed. While it can be achieved, the potential is that the end result could potentially be detrimental to openness expected of alfresco areas. The principle of alfresco dining is to “see and be seen” and greatly contributes to safety in the city and a feeling of vibrancy. The temporary nature of any such enclosures has the potential to create concealment areas in the footpath and may not give the high quality presentation befitting of a capital city.

2.4 Alfresco Dining Local Law 2009

The City of Perth’s *Alfresco Dining Local Law 2009* stated purpose and effect is:

- “(1) The purpose of this local law is to provide for the regulation, control and management of alfresco dining areas in any public place within the district.*
- “(2) The effect of this local law is to control alfresco dining areas so that they do not interfere with the safe and reasonable movement of pedestrians and vehicles as well as to encourage high quality alfresco dining to enhance amenity, vitality and ambience of the city.”*

The local law does not specifically prohibit the preparation of food and beverage however it is considered that the intent is to provide a regulatory framework to permit alfresco dining areas for the purpose of patrons being able to dine outdoors on City of Perth footpaths.

The local law does define an “alfresco dining area” as an area in which tables, chairs and other structures are provided for the purpose of the supply of food or beverages or both by the public or the consumption of food or beverages or both by the public. Similarly, the local law defines “alfresco dining” means outdoor dining or drinking or both in a public place.

The local law provides that alfresco areas are licenced with exemptions to having a licence being considered for a particular event, festival or carnival. Implicit here is the irregularity of an event, as opposed to the on-going nature of how alfresco applies.

Should other structures be permitted in the alfresco dining area for the supply of food and beverages on a temporary basis, this would need to be reflected in the food businesses’ alfresco license conditions, for example, the number of chairs, tables for

the varied modes of operation with temporary food / beverage setup and the other with a normal alfresco layout.

While the local law does not specifically prohibit the preparation of food and beverage in alfresco areas, it is considered that if the Council were to support the preparation of food and beverages, even on a temporary basis up to no more than once per week within an approved alfresco area, that it would be prudent to amend the local law.

An amendment to a local law usually takes six months to amend as it is delegated legislation and requires approval of the Joint Standing Committee of Parliament. The City of Perth *Alfresco Dining Local Law 2009* is the next proposed local law to be reviewed and it is expected that this is likely to commence in March 2017.

2.5 Council Policy 14.4 – Alfresco Dining Policy 2000

The City's *Alfresco Dining Policy 2000* has stated objectives of:

- “(a) encourage high quality alfresco dining to enhance the amenity, vitality and ambience of the City of Perth;*
- (b) provide a comprehensive framework for the development, management and control of alfresco dining; and*
- (c) ensure that alfresco dining does not interfere with the safe and reasonable movement of pedestrian and vehicular traffic.”*

The policy has two clauses that specifically prohibit the preparation of food and/or beverages in alfresco areas. These include:

- Clause 4.8(3) which states *“An alfresco dining area must not be used for the preparation of food and beverage.”*
- Clause 5.4(2) which states *“The licensee is not permitted to prepare food and beverages in the alfresco area. For example, cappuccino machines are not permitted in the alfresco area.”*

The policy also restricts seating to one chair per square metre. Therefore, the food premises would need to reduce its seats and tables to account for the area taken up by the proposed temporary food/beverage area.

If the Council were to support the preparation of food and beverages, even on a temporary basis up to no more than once per week within an approved alfresco area, that it would require an amendment to the policy.

An amendment to a Council Policy will require a Council Resolution detailing all relevant amendments.

2.6 Impact of Pedestrian Traffic and Cleaning

Essential to the successful implementation of alfresco dining in the city is good management. The local law and policy provide sufficient guidance as to the placement and management of alfresco areas to ensure that areas continue to have a high quality presentation.

The introduction of food and beverage preparation may present new issues to be considered such as potential safety for food cooking and increased cleaning and maintenance.

Such issues can be managed through the alfresco licensee agreeing to manage the pedestrian movement and to keeping the adjacent footpaths clean and tidy.

2.7 Permitting for Temporary Beverage and Prepared Foods Outlets in Alfresco Dining Areas

Setting aside the current restrictions within the local law and policy, if Council were mindful to implement changes to enable the preparation of food and beverage within alfresco areas it is considered that the City could adopt a risk based approach to implementation. It is considered that there are a number of arrangements that operators may wish to undertake, and each have different levels of complexity.

An example would be “prepared foods” which means food already cooked in an approved commercial kitchen. A temporary outlet might be a bain-marie cabinet keeping the food warm (above 60°C). Similarly, a pop-up bar which is just dispensing drinks, with minimal food handling could be permitted with minimal structural requirements and subject to the Department of Racing, Gaming and Liquor (DRGL) approvals.

Below a number of scenarios have been explored to understand some of the issues that would need to be addressed.

Scenario One: Temporary Beverage Dispensing Outlet			
(for example, a Mobile Bar)			
ANZFSC Requirements	Liquor Control Act	Alfresco Local Law	Alfresco Policy
Sink	Approval from DRGL	Requires local law amendment:	Requires policy amendment
Hand wash		Clause 1.3 Purpose and Effect	Clause 4.8(3)
Fridge		Clause 1.7 'Interpretations'	Clause 5.4(2)

ANZFSC Requirements	Liquor Control Act	Alfresco Local Law	Alfresco Policy
		Clause 2.6 Conditions	
		License to reflect additional structure	

Scenario two: Temporary Cappuccino Machine Outlet

ANZFSC Requirements	Liquor Control Act	Alfresco Local Law	Alfresco Policy
Sink	N/A	Requires local law amendment:	Requires policy amendment
Hand wash		Clause 1.3 Purpose and Effect	Clause 4.8(3)
Fridge		Clause 1.7 'Interpretations'	Clause 5.4(2)
		Clause 2.6 Conditions	
		License to reflect additional structure	

Scenario three: Temporary "Prepared Foods" Outlet

ANZFSC Requirements	Liquor Control Act	Alfresco Local Law	Alfresco Policy
Clean utensils	N/A	Requires local law amendment:	Requires policy amendment
Bain-marie (above 60°C).		Clause 1.3 Purpose and Effect	Clause 4.8(3)
Fridge (below 5°C).		Clause 1.7 'Interpretations'	Clause 5.4(2)
		Clause 2.6 Conditions	
		License to reflect additional structure	

Scenario Four: Temporary Food Outlet Cooking in Alfresco Dining Area e.g. Paella Cooking			
ANZFSC Requirements	Liquor Control Act	Alfresco Local Law	Alfresco Policy
Difficult to comply with Standard 3.2.2	N/A	Requires local law amendment:	Requires policy amendment
Difficult to comply with Standard 3.2.3		Clause 1.3 Purpose and Effect	Clause 4.8(3)
		Clause 1.7 'Interpretations'	Clause 5.4(2)
		Clause 2.6 Conditions	
		License to reflect additional structure	

2.8 Fee structure and compliance management considerations

Another issue for consideration is whether the current alfresco fee structure is appropriate or whether a commercial lease would be more appropriate if the introduction of food preparation in alfresco areas was supported.

Staffing levels would also need to be considered to accommodate the additional workloads in ensuring compliance with food safety in the expanded food/beverage preparation areas and other local law requirements, such as ensuring City footpaths are not obstructed.

COMMENTS:

The investigation into food and beverage preparation in alfresco areas on a temporary basis of no more than once per week has identified the following matters for Council's consideration:

1. While the *City of Perth Alfresco Dining Local Law 2009* does not specifically preclude food and beverage preparation, it would be prudent to amend, especially to give the Council to clear head of power to approve and impose appropriate conditions;
2. Council Policy 14.4 – Alfresco Dining Policy would require an amendment.
3. The ANZFSC requires food cooking areas to be enclosed with walls and a ceiling and this may impact the look and feel of the alfresco areas.
4. Permitting temporary prepared food outlets and temporary beverage outlets could be permitted subject to them meeting minimal requirements, which would need to be assessed by the City on a case by case basis. This would be similar

to the process of assessments undertaken for applicants seeking a “Special Events” permit.

5. Whether the cooking or preparation of food and/or beverages within an alfresco area, all scenarios would necessitate the provision of electricity and water to the alfresco area to meet ANZFSC requirements.

While outside the remit of this report, it is also worth noting that such a shift to allowing food businesses to conduct food preparation in alfresco dining areas could be viewed as a major policy change proposal. The City of Perth would be moving away from considering the footpath as a priority for pedestrians to allowing the commercialisation and privatisation of the footpath space for businesses.

ITEM NO: 4

EXPANDED CITY OF PERTH BOUNDARY – SUBIACO FOOD BUSINESSES – ALFRESCO AREAS (COUNCIL POLICY 14.4 – ALFRESCO DINING POLICY 2000)

**PLANNING COMMITTEE
RECOMMENDATION:**

(APPROVAL)

That Council supports the recommendation to allow alfresco dining policy standards historically in place for food businesses located within the extended City of Perth (recently acquired area from the City of Subiaco) continue as an exception to the current City of Perth Council Policy 14.4 – Alfresco Dining Policy 2000.

BACKGROUND:

FILE REFERENCE:	P 1014820-2
REPORTING UNIT:	Environment and Public Health
RESPONSIBLE DIRECTORATE:	Planning and Development
DATE:	14 October 2016
MAP / SCHEDULE:	Schedule 4 – Audit of Subiaco alfresco. Schedule 5 – Photographs – Examples of Subiaco alfresco.

The Committee recommendation to the Council for this report was resolved by the Planning Committee at its meeting held on 25 October 2016.

The Committee recommendation to the Council is the same as that recommended by the Officers.

As a result of the *City of Perth Act 2016*, the City of Perth has acquired a number of new food businesses with alfresco dining areas. Alfresco dining policy standards in terms of pedestrian clearways and building lines for businesses previously operating in the City of Subiaco differ from current standards outlined in the City of Perth Council Policy 14.4 – Alfresco Dining Policy 2000.

The purpose of this report is to determine if Council is supportive of honouring the historical alfresco dining conditions/approvals in place for food businesses now incorporated into the expanded City of Perth as a result of the *City of Perth Act 2016*.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation	<i>City of Perth Alfresco Dining Local Law 2009</i>
Integrated Planning and Reporting Framework	Strategic Community Plan
Implications	Council Four Year Priorities: Capable and Responsive Organisation S18 Strengthen the capacity of the organisation.

Policy

Policy No and Name: 14.4 – Alfresco Dining 2000

DETAILS:

To facilitate a balance between different footpath uses and ensure safety for all users, pedestrian clearways for alfresco dining are specified within the current City of Perth Council Policy 14.4 – Alfresco Dining Policy 2000. Policy 14.4 requires that food premises with alfresco dining to locate:

- furniture a minimum of 2.5 metres away from the building line; and
- furniture adjacent to the kerb with a minimum kerb clearance of 600mm. In areas where kerbs are flush with the road, the minimum kerb clearance must be 1 metre.

The placement of alfresco dining in the City of Subiaco has been historically different to the City of Perth's requirements, with premises permitted to place their alfresco dining along the building line.

In an effort to ensure consistency across alfresco dining areas in the city, an audit of alfresco dining setups for newly acquired food businesses was undertaken in June 2016. The audit examined six food premises with alfresco dining areas within the new area extending from Hampden Road through to Broadway in Nedlands.

Audit Results

Schedule 4 details results of the audit undertaken by City of Perth Officers.

Generally, the audit results indicate that if standards within the City of Perth Council Policy 14.4 – Alfresco Dining Policy 2000 are applied to these food businesses, the inclusion of an alfresco dining area will not be feasible as businesses will not have the required space to comply with clearances and to place their alfresco furniture.

Schedule 5 details photographs of examples of alfresco areas in Subiaco.

COMMENTS:

The appropriate location for an alfresco dining area is not always straight forward and well-defined. As such, Council Policy 14.4 – Alfresco Dining Policy 2000 allows for exceptions in specific circumstances on a case by case basis. Clause 3.1(2) of the

policy states that "in exceptional circumstances the City of Perth may permit alfresco dining in specified streets to be located adjacent to the building line".

To date, there have been several exceptions to policy standards where the location of street furniture has been approved against the building line due to safety and obstruction reasons.

Examples include:

- The Court Hotel, Northbridge;
- Bean & Bagel, West Perth;
- Coast Café, West Perth; and
- Etro Café, Perth.

Officers are currently undertaking a review of Council Policy 14.4 – Alfresco Dining Policy 2000, and this is expected to be completed in early 2017.

RECOMMENDATION

It is recommended that Council supports the recommendation to allow alfresco dining policy standards historically in place for food businesses within the extended City of Perth (newly acquired areas from the City of Subiaco) to continue as an exception to the current City of Perth Council Policy 14.4 – Alfresco Dining Policy 2000.

The new areas of the City of Perth will be included in the new Alfresco Dining Policy.

ITEM NO: 5

PROPOSED STREET NAME FOR THE RIGHT OF WAY – 111-121 NEWCASTLE STREET PERTH

PLANNING COMMITTEE (APPROVAL)
RECOMMENDATION:

That Council seeks the Geographic Names Committee's approval for the private right-of-way located at 111-121 Newcastle Street, Perth be named 'Pilpel Lane.'

BACKGROUND:

FILE REFERENCE: P1002137-4 & P1000713-4
REPORTING UNIT: Development Approvals
RESPONSIBLE DIRECTORATE: Planning and Development
DATE: 10 October 2016
MAP / SCHEDULE: Schedule 6 – Map and aerial photograph of right-of-way located at rear of 111-121 Newcastle Street, Perth

The Committee recommendation to the Council for this report was resolved by the Planning Committee at its meeting held on 25 October 2016.

The Committee recommendation to the Council is the same as that recommended by the Officers.

The City of Perth has received several requests from the Pilpel family to have a road named to acknowledge the Pilpel family's current and historical connection with the Perth area. The family has provided the following information regarding their connection to the locality.

Joshua Pilpel was born in Palestine in 1892 and arrived in Perth, Australia as a 17 year old in 1911 with little financial resources. He first worked as a guillotine operator and envelope maker for the English Paper and Printing firm Spicers and Detmolds in Bannister Street, Fremantle. After 15 years with Spicers, Joshua set up his own business in 1927, in a 1st Floor building in a laneway owned by McLean Bros and Rigg, a hardware firm, buying second-hand printing equipment from other printers, with the help of a silent partner. The laneway was bordered by Murray Street in the south and Wellington Street to the north.

During the depression years they worked 44 hours per week, four hours on Saturday. Working with a staff of three, Joshua was able to repay his silent partner and the business Pilpel became his own.

Joshua's son, Richard Pilpel entered the business in 1948. Tragedy struck that same year when Joshua Pilpel went blind, but the tenacity of father and son kept Pilpel and Co progressing forward. New plant was bought at the rear of Pilpel and Co and in 1988 Print Finish Line, a trade house in the binding area, was established. This was unique in as much as these two entities worked in together and serviced the trade as well. In 2006, Richard Pilpel received the Printing Industry Recognition Award for Outstanding Service to the Printing Industry. Two years later he was awarded an Order of Australia Medal (OAM) in the Queen's Birthday Honours List for his services to the printing industry. Richard left the organisation after six years in the business.

Richard's son, David Pilpel entered the business in 1978 followed in 1981 by the younger son Geoffrey, who is now a Director of the company.

A major move to a new factory and office at 148 Beaufort Street, Perth occurred in 1999, helping to raise the profile of the firm. The printing company has continued with an unblemished reputation for 89 years. Pilpel Print is one of Perth's most awarded printing firms at both state and national levels.

On the 1 February 2010 the Right Honourable The Lord Mayor Lisa Scaffidi wrote to the Geographic Names Committee requesting the name Pilpel to be considered for naming a future street or laneway in the City of Perth:-

On the 17 March 2010 the Minister for Lands approved the name 'Pilpel' for inclusion into Reserve Register for future use within the City of Perth.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation	Part 2, Clause 26 of the <i>Land Administration Act 1997</i>
Integrated Planning and Reporting Framework Implications	Strategic Community Plan Council Four Year Priorities: Capable and Responsive Organisation S18 Strengthen the capacity of the organisation.

DETAILS:

The City of Perth has received a request from the Pilpel family seeking the Council's support for the right-of-way located at the rear of the properties at 111-121 Newcastle Street, and abutting the Pilpel printing factory and office at 148-150 Beaufort Street, to be named 'Pilpel Lane'. The subject right-of-way is privately owned with records indicating that it is currently a deceased estate (Estate of Ms E White). The right-of-way provides access to the commercial land uses 111-121 Newcastle Street, Perth.

The right-of-way is currently maintained by the owners of the properties that abut the laneway. The right-of-way is also used by the City of Perth Waste and Cleansing unit for the collection of refuse and recycling.

FINANCIAL IMPLICATIONS:

The street name plates and poles to be supplied and installed at both ends of the right of way will cost \$1,160.00. As the right-of-way is privately owned and the City of Perth has not budgeted for these costs, Mr Geoff Pilpel was approached in relation to the expenditure and has agreed to pay the costs.

COMMENTS:

The Geographic Names Committee, established under Landgate is responsible for approving road names and has established the "Policies and Standards for Geographical Naming in Western Australia". In accordance with this Policy, private roads and rights-of-way must be clearly identified and uniquely named to facilitate the application of standardised addressing to all land parcels. The delivery of emergency and other services to residents and businesses are often impeded when private road names are not officially recorded.

The subject right-of-way is not currently named. Naming a private right-of-way does not mean that the City or the Minister for Lands is accepting responsibility for that private road other than of ensuring its name meets the required naming policies.

It is Council's practice to issue new road names that are consistent with the road names in the surrounding area or that have a historical association with a particular place or locality. Given the immediate proximity of the right-of-way to the Pilpel printing business in Beaufort Street and the history of the area, it is agreed that the name 'Pilpel Lane' would be appropriate.

The naming of the right-of-way will satisfy the policy requirements to assist with the delivery of emergency and other services.

As per the policy guidelines, the applicant is required to show that there was an attempt made to contact the owners of the deceased estate. Mr Geoff Pilpel has endeavoured to make contact with the owners of the right-of-way via mail and telephone calls. He has forwarded a receipt for Registered Post of a letter requesting approval for the right-of-way to be named 'Pilpel' no comment has been received.

Given the above it is now recommended that Council seeks the Geographic Names Committee's approval for the subject private right of way located at 111-121 Newcastle Street, to be named 'Pilpel Lane'.

ITEM NO: 6

PROPOSED ENTRY OF GRAND CENTRAL HOTEL – 379 WELLINGTON STREET, PERTH IN THE CITY PLANNING SCHEME NO. 2 HERITAGE LIST

**PLANNING COMMITTEE
RECOMMENDATION:**

(APPROVAL)

That Council:

- 1. in accordance with Part 3 Clause 8 of the Planning and Development (Local Planning Scheme) Regulations 2015, proposes to include Grand Central Hotel, 379 Wellington Street, Perth in the City Planning Scheme No. 2 Heritage List and gives the affected owner and occupier a description of the place, the reasons for the proposed entry and 21 days to make a submission on the proposal; and***
- 2. notes that Officers will report back to Council with the results of the consultation with owners and occupiers proposed at part 1 above.***

BACKGROUND:

FILE REFERENCE:	P1023133-3
REPORTING UNIT:	Arts, Culture and Heritage
RESPONSIBLE DIRECTORATE:	Economic Development and Activation
DATE:	21 September 2016
MAP / SCHEDULE:	Schedule 7 – State Heritage Office Assessment Schedule 8 – City of Perth Draft Heritage Place Assessment Schedule 9 – Consultant Advice Confidential Schedule 10 – Informal Owner Submission (Confidential Schedule distributed to Elected Members under separate cover)

The Committee recommendation to the Council for this report was resolved by the Planning Committee at its meeting held on 25 October 2016.

The Committee recommendation to the Council is the same as that recommended by the Officers.

At its meeting held on 13 September 2016, the Planning Committee resolved to defer this item as follows:

“That the item titled “Proposed Entry of Grand Central Hotel – 379 Wellington Street, Perth in the City Planning Scheme No. 2 Heritage List” be deferred for further investigations and discussions to be carried out between City of Perth officers and the property owner.”

The following information has been included subsequent to the Planning Committee’s recommendation at its meeting held on 13 September 2016:

It should be noted that in accordance with the City of Perth’s standard procedures, further consultation between Officers and the landowner in relation to identifying specific zones of cultural heritage significance of a place that is being considered for heritage listing is not usually undertaken at this point in the heritage listing process. As far as Officers are aware, to date, all such consultation has occurred after a property is heritage listed.

In accordance with Part 3, Clause 8 of the *Planning and Development (Local Planning Scheme) Regulations 2015* (Regulations) the local government must not enter a place in the Heritage List unless the local government:

- “(a) notifies in writing each owner and occupier of the place and provides them with a description of the place and the reasons for the proposed entry;*
- (b) invites each owner and occupier to make a submission on the proposal within 21 days on the day on which the notice is served or with a longer period specified in the notice; and*
- (c) carries out any other consultation the local government considered appropriate; and*
- (d) following any consultation and consideration of the submissions made on the proposal, resolves that the place be entered in the heritage list with or without modification, or that the place be removed from the heritage list.”*

This report requests Council to initiate this process, following which, the City will formally consult with the owner, undertake any other consultation considered appropriate and consider any submissions received by the owner and occupier.

Should the place be entered on the Heritage List, any impacts of heritage listing on development will be determined and negotiated through the development application process.

At its meeting on **17 March 2015** Council considered a Planning Committee Recommendation (in part):

“That Council...approves further assessment, and consultation with affected landowners, of those properties detailed in the attached Confidential Schedule 11 for the purposes of possible inclusion in the City Planning Scheme No.2 Register of Places of Cultural Heritage Significance.”

The report proposed that the City investigate a number of places to determine if they were of cultural heritage significance. The names and addresses of the places were presented in a Confidential Schedule and were referred to in the report as properties A, B(1), B(2), C, D, E, F, G, H, I, J and K.

The further assessments were requested to progress possible inclusion of the places on the City of Perth Planning Scheme No. 2 Register of Places of Cultural Heritage Significance [herein referred to as the Heritage List in accordance with Part 3, Clause 8 of the *Planning and Development (Local Planning Scheme) Regulations 2015*].

Council resolved to refer the report back to the Planning Committee for the following reason:

“Council were concerned that consultation with the people affected or potentially affected had not taken place and therefore agreed that the item should be referred back to the Planning Committee for further consultation.”

As a result, the City engaged with affected landowners of the properties.

At its meeting held on **5 April 2016**, Council considered an amended version of the original report that included results of consultation with the affected owners of the aforementioned properties. In that report the places were grouped according to the action recommended for the progression of the heritage listing process.

At this meeting Council resolved (in part) as follows:

“That Council:

1. *In relation to the results of landowner consultation on heritage assessments:*
 - 1.1 *notes that properties A, B, C, D & E are of possible cultural heritage significance as a group and that Officers will report to Council with a draft Heritage Area Planning Policy for the properties;*
 - 1.2 *notes that property K forms part of a group of properties that are currently being investigated by Officers as a possible Heritage Area;*
 - 1.3 *notes that further assessment is required to determine if properties H, I and J are of cultural heritage significance and worthy of built heritage conservation, and requests that Officers undertake internal site inspections of the properties to determine their internal condition and authenticity;*
 - 1.4 *in accordance with Part 3 Clause 8 of the Planning and Development (Local Planning Scheme) Regulations 2015, proposes to include properties F and G in the Heritage List and gives each owner and occupier a description of the place, the reasons for the proposed entry and 21 days to make a submission on the proposal; and...”*

The subject of this report is Grand Central Hotel, 379 Wellington Street, Perth, identified as Property I in previous confidential Council reports considered at the meetings held on **17 March 2015** and **5 April 2016**.

Given that Council has endorsed the further assessment of this place and the owner is fully aware of the proposal to investigate the heritage significance of the place it is no longer considered necessary to present this information in a confidential manner. As noted in part 1.3 of the Council resolution dated **5 April 2016**, Grand Central Hotel and Properties H (Motor House, 68 Milligan Street, Perth) and J [Kastellorizo (Wiluna) Flats, 1298 Hay Street, West Perth] were considered to require further heritage assessment, including internal site inspections, prior to progressing the heritage listing process.

The results of internal site inspections of Motor House and Kastellorizo (Wiluna) Flats were reported to Council at its meeting held on **19 July 2016**. The Grand Central Hotel was not included in that report pending receipt of additional heritage assessment of the place.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Planning & Development Act 2005 (WA)
Planning & Development (Local Planning Schemes) Regulations 2015
State Planning Policy 3.5 Historic Heritage Conservation
Town Planning Regulations 1967
Heritage of Western Australia Act 1990
City Planning Scheme No. 2

Integrated Planning and Reporting Framework Implications

Corporate Business Plan

Council Four Year Priorities: Healthy and Active in Perth
S15 Reflect and celebrate the diversity of Perth.
15.3 Review and further develop the City's approach to the conservation, management and celebration of its cultural heritage.

DETAILS:

The subject of this report is the Grand Central Hotel, which has been identified for possible inclusion on the Heritage List.

The City identified a number of places for possible inclusion on the Heritage List based one or more of the following criteria:

- the place has a construction date prior to 1940;
- the place is classified by the National Trust (WA); and/or
- the place has been assessed by the State Heritage Office (SHO) for possible inclusion on the State Register of Heritage Places (State Register) but found by the Heritage Council of WA (HCWA) to not meet the threshold for State Registration, noting that the SHO deals with places that are deemed to be significant to the development of the State and that properties relevant to local

area history are dealt with by local governments under provisions of the *Planning & Development (Local Planning Schemes) Regulations 2015*.

This report provides a recommendation to Council regarding the inclusion of the Grand Central Hotel on the Heritage List based upon the findings of three heritage assessments, being:

1. The SHO heritage assessment of the place (refer to Schedule 7);
2. Draft City of Perth Heritage Assessment including findings of an on-site interior inspection of the place as requested by Council at its meeting held on **5 April 2016** (refer to Schedule 8); and
3. A complete heritage assessment undertaken by an independent heritage consultant (refer to Schedule 9).

The independent heritage report referred above was not undertaken for Motor House and Kastellorizo (Wiluna) Flats that, together with the Grand Central Hotel, constituted the group of places Council requested Officers to assess more fully, including an internal site inspection, prior to reporting back to Council.

The extra heritage assessment was commissioned to ensure that an additional independent and full assessment of the place was obtained given the recent media attention that the possible heritage listing of this place had attracted.

A timeline and summary of the heritage listing process, to date, for the group of three properties Motor House (Property H), Kastellorizo (Wiluna) Flats (Property J) and Grand Central Hotel (Property I), is provided in Table 1 below.

Table 1

Date	Property	Report to Council	Action	Outcome
17 March 2015	A, B(1), B(2), C, D,E, F, G, H, I, J, K	Confidential	Referred to Council to progress heritage listing process.	Referred back to Planning Committee – further owner consultation required
17 March 2015 – 30 July 2015	A, B(1), B(2), C, D,E, F, G, H, I, J, K	N/A	City consulted with affected owners. Preliminary in-house review of existing SHO and National Trust (NT) documentation undertaken to better inform proposed Council report.	Findings: A – E to be progress as part of a Heritage Area F & G Proposed to be included in Heritage List H, I, J –Further onsite assessment required K – to be progressed as part of a Heritage Area

Date	Property	Report to Council	Action	Outcome
5 April 2016	H, I, J	Confidential	Amended Council report prepared including owner comments and outcomes of in-house review of SHO and NT documentation. Recommendation to progress heritage listings as follows: A – E to be progress as part of a Heritage Area F & G Proposed to be included in Heritage List H, I, J –Further onsite assessment required K – to be progressed as part of a Heritage Area	Council resolution as per Officer recommendation
5 April 2016 – 19 July 2016	H J	N/A	On-site internal inspections undertaken to inform proposed Council report	Findings included in Draft City of Perth Heritage Assessment
19 July 2016	H, J	Public	Report prepared including findings of on-site inspection. Report recommended: <ul style="list-style-type: none"> • progression of heritage listing for Property H. • not to progress heritage listing for Property J. 	Council resolution as per Officer recommendation
11 July 2016 – 31 July 2016	I	N/A	Independent Heritage Consultant - Phillip Griffiths commissioned to undertake heritage assessment of Property I	Assessment found place worthy of inclusion of Heritage List.
Planning Committee to be held on 13 September 2016 and Council meeting to be held on 20 September 2016	I	Public	Report recommends to progress heritage listing process.	To be determined

Assessment Criteria

As directed by *State Planning Policy 3.5 Historic Heritage Conservation*, all heritage assessments the City has considered in determining the heritage significance of Grand Central Hotel were prepared in accordance with the SHO's *Criteria for the Assessment of Local Heritage Places and Areas* published by the HCWA. These guidelines deem that a place will be of cultural heritage significance to the locality if it meets one or more of the following criteria:

Aesthetic Value	It is significant in exhibiting particular aesthetic characteristics.
Historic Value	It is significant in the evolution of the pattern of the history of the local district.
Research Value	It has demonstrable potential to yield information that will contribute to an understanding of the natural or cultural history of the local district. It is significant in demonstrating a high degree of technical innovation or achievement.
Social Value	It is significant through association with a community or cultural group in the local district for social, cultural, educational or spiritual reasons.
Rarity	It demonstrates rare, uncommon or endangered aspects of the cultural heritage of the local district.
Representativeness	It is significant in demonstrating the characteristics of a class of cultural places or environments in the local district.

Heritage Assessments

The heritage assessments that provide the basis for considering Grand Central Hotel for inclusion on the Heritage List are:

State Heritage Office Heritage Assessment

The City originally considered the Grand Central Hotel for possible inclusion on the Heritage List due to both the early construction date of 1904 and the SHO Assessment (refer to Schedule 7) undertaken as part of the process of considering the place for possible inclusion on the State Register.

The HCWA found that the Grand Central Hotel does not meet the threshold for inclusion on the State Register, however, the SHO assessment showed it to have cultural heritage significance at a local level as one of Perth's last remaining coffee

palaces which, although substantially changed, is still being used for the purposes similar to the original.

City of Perth Draft Heritage Place Assessment

As per the **5 April 2016** Council resolution, Officers undertook an internal site inspection of the Grand Central Hotel in order to further determine the cultural heritage significance of the place. The findings of this inspection, including photographs, have been included in the Draft Heritage Place Assessment for the place (refer to Schedule 8).

This assessment (refer to Schedule 9) demonstrates that the Grand Central Hotel has cultural heritage significance at a local level for its aesthetic and historic values. The place is also considered rare and has a moderate degree of integrity and authenticity. It is considered to meet the threshold for inclusion in the Heritage List.

Independent Heritage Consultant Advice

In addition to the internal site inspections requested by Council at its meeting held on **5 April 2016** to complete the City's heritage assessment of the Grand Central Hotel, the City also commissioned a heritage consultant to undertake an additional, complete and independent assessment of the place.

The advice provided by the independent heritage consultant (refer to Schedule 9) finds that the place has cultural heritage significance at a local level for its aesthetic and historic values. The place is also considered rare and has a moderate degree of integrity and authenticity.

Findings of Heritage Assessments

The findings of all three heritage assessments agree that the Grand Central Hotel meets the threshold for entry on the Heritage List.

Owner Consultation

Following the report considered by Council at its meeting held on **17 March 2015** the owner was invited to comment on the possible heritage listing and on the previous Heritage Assessment prepared by the SHO (refer to Schedule 7).

In response to this communication, the owner wrote to the City stating that they did not support possible Heritage Listing (refer to Confidential Schedule 10).

The owner's comments were included in the report considered by Council at its meeting held on **5 April 2016**.

Deemed Provisions – Requirements

In accordance with Part 3, Clause 8 of the *Planning and Development (Local Planning Scheme) Regulations 2015*, the local government must not enter a place in the Heritage List unless the local government:

- “(a) notifies in writing each owner and occupier of the place and provides them with a description of the place and the reasons for the proposed entry;*
- (b) invites each owner and occupier to make a submission on the proposal within 21 days on the day on which the notice is served or with a longer period specified in the notice; and*
- (c) carries out any other consultation the local government considered appropriate; and*
- (d) following any consultation and consideration of the submissions made on the proposal, resolves that the place be entered in the heritage list with or without modification, or that the place be removed from the heritage list.”*

Should Council resolve to propose that the Grand Central Hotel be included on the Heritage List, further consultation will be undertaken with each owner and occupier of the place. A copy of the Draft Heritage Place Assessment will be provided and the owner and occupier will have a period of 21 days to make a submission on the proposal.

Following the close of the submission period Officers will report back to Council. At this time Council may consider the Draft Heritage Place Assessment and any submission received as part of making a final decision on the proposed heritage listing.

FINANCIAL IMPLICATIONS:

If the Grand Central Hotel is included in the CPS2 Heritage List the owner will be eligible to apply for the City's suite of Heritage Incentives. This includes heritage grants, heritage awards, heritage rate concession and transfer of plot ratio and bonus plot ratio.

COMMENTS:

The City of Perth Draft Heritage Place Assessment demonstrates that the Grand Central Hotel warrants entry in the Heritage List. Both the SHO Assessment and the independent heritage consultant's advice reflect this position.

Further consultation will be undertaken with the owner and occupier prior to Council making its final decision on the proposed heritage listing.

ITEM NO: 7

PROPOSED PERMANENT HERITAGE REGISTRATION OF P23847 EDITH COWAN'S HOUSE AND SKINNER GALLERY (FMR) 31 MALCOLM STREET PERTH, IN THE STATE HERITAGE REGISTER

**PLANNING COMMITTEE
RECOMMENDATION:**

(APPROVAL)

That Council advises the State Heritage Office that it supports the Permanent registration of the Edith Cowan's House and Skinner Gallery (fmr) at 31 Malcolm Street Perth referenced as P23847, in the Register of Heritage Places maintained under the Heritage of Western Australia Act, 1990.

BACKGROUND:

FILE REFERENCE: P1023133-3
REPORTING UNIT: Arts Culture and Heritage
RESPONSIBLE DIRECTORATE: Economic Development and Activation
DATE: 17 October 2016
MAP / SCHEDULE: Schedule 11 – State Heritage Office assessment

The Committee recommendation to the Council for this report was resolved by the Planning Committee at its meeting held on 25 October 2016.

The Committee recommendation to the Council is the same as that recommended by the Officers.

The State Heritage Office (SHO) has written to the City of Perth seeking its comments on the permanent registration on the State Heritage Register of Edith Cowan's House and Skinner Gallery referenced by the SHO as P23847 and located at 31 Malcolm Street Perth.

In accordance with Section 50(1) of the *Heritage of Western Australia Act 1990*, 31 Malcolm Street was interim listed on the 23 September 2016. The Heritage Council of Western Australia has resolved that the subject property is of cultural heritage significance in terms of the *Heritage of Western Australia Act 1990*, and is seeking a written submission from the City of Perth on the proposal for permanent registration given that the subject property falls within the City of Perth's boundaries. A copy of the assessment location of the building is at Schedule 11.

At its meeting held on **1 September 2015**, Council resolved it must consider that all nominations for properties to be included in the Heritage Council's Register of

Heritage Places where permanent registration is proposed and the interim registration has not been considered by the Council.

The SHO has also invited the Council to nominate a person to attend the meeting at which permanent entry on the State Heritage Register will be considered. At its meeting held on **22 October 2015**, Council resolved that Cr Harley be the nominated representative at all Heritage Council Register Committee meetings.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation City Planning Scheme No. 2.

Integrated Planning and Reporting Framework Implications	Strategic Community Plan
	S7 Collaborate with private sector to leverage
	S9 Promote and facilitate CBD living.
	9.2 Review the City's approach to Conservation of Heritage Places.
	S15 Healthy and Active in Perth
	15.1 Undertake a full review of the Grants, Donations, Sponsorships and Event Funding Policies

Policy

Council Policy 6.3 – State Register of Heritage Places

DETAILS:

The Statement of Significance prepared by the SHO states Edith Cowan's House and Skinner Gallery (former) comprising a two storey brick, stone and iron roof Victorian Rustic Gothic style house in the centre of the site and three storey face brick and corrugated fibro cement roof art gallery and offices in the Post War International style located adjacent and to the rear of the house, has cultural heritage significance for the following reasons:

- the place has close associations with Edith Cowan, the first woman member of an Australian parliament, and her husband, James Cowan, for whom the place was constructed, and who resided there at various times;
- the place has close association with Rose and Josiah Skinner, for whom the additional building was constructed in 1958, and who established the Skinner Gallery there, which was a leader in encouraging and promoting modern Australian art in the late 1950s and 1960s;
- the Skinner Gallery was one of the first purpose designed and built, privately run art galleries in Australia and the first in Western Australia;
- although denuded of some of its architectural detail, the house retains many of the characteristics of a Victorian Rustic Gothic style house and does so in a manner which allows it to be a fine, distinctive remnant of the style;

- the ground floor of the gallery building contains the brightly lit and elegantly simple space of the gallery at the lower or ground floor level; and
- with its distinctive landscape setting, comprising a deep front set back and leafy gardens, its imposing architecture and prominent location, the house section of Edith Cowan's House & Skinner Gallery (fmr) has a minor landmark quality in the context of Malcolm Street.

The assessment documentation provided by the State Heritage Office (refer to Schedule 11) identified that the places have a number of unique values. These values are outlined below and expanded in full at Schedule 11:

- Aesthetic,
- Historic, and
- Social value.

It is noted that in accordance with the SHO criteria, the assessment needs to only meet a minimum of one value to meet the threshold for entry into the State Register.

The heritage registration of the property and the resultant consultation with owners is a State Heritage Office process set out under the *Heritage Act of Western Australia 1990*. The City of Perth is not aware if the owner(s) of 31 Malcolm Street support State Heritage Registration.

FINANCIAL IMPLICATIONS:

Given the property is currently Interim listed on the State Register the owners of 31 Malcolm Street Perth are eligible to apply for rate concession, heritage grants, and transfer of plot ratio.

COMMENTS:

Edith Cowan's House and Skinner Gallery referenced by the State Heritage Office as P23847 and located at 31 Malcolm Street Perth was interim listed in January 1999 and removed by the Minister in August 2000.

The property was included in the draft data base prepared for the Municipal Heritage Inventory in 2001 as a level two place and worthy of consideration for inclusion onto the City Planning Scheme.

The SHO assessment documentation for 31 Malcolm Street Perth demonstrates that the places have significance at a State level and the administration of the City of Perth supports the inclusion onto the heritage register.

ITEM NO: 8

REVIEW OF THE STATE GOVERNMENT DRAFT TRANSPORT @ 3.5 MILLION - PERTH TRANSPORT PLAN

RECOMMENDATION:

(APPROVAL)

That Council endorses the submission to the State Government draft Transport @ 3.5 Million, Perth Transport Plan as detailed in the report titled “Review of the State Government Draft Transport @3.5 million – Perth Transport Plan”.

BACKGROUND:

FILE REFERENCE: P1030804
REPORTING UNIT: Transport
RESPONSIBLE DIRECTORATE: Planning and Development
DATE: 12 October 2016
MAP / SCHEDULE: NA

The Committee recommendation to the Council for this report was resolved by the Planning Committee at its meeting held on 25 October 2016.

The Committee recommendation to the Council is the same as that recommended by the Officers.

The State Government's draft *Transport @ 3.5 Million Perth Transport Plan for 3.5 Million People and Beyond* (the Plan) was released for public engagement on 29 July 2016. The Plan was informed by overarching long term strategic planning frameworks detailed in the Metropolitan Strategic Land Use Plan Perth and Peel @ 3.5 Million and the Strategic Environmental Assessment Perth and Peel Growth Plan for 3.5 million.

The State Government intend for the Plan to act as a long term guiding document for transport infrastructure, which will consider how the transport network across the greater Perth region could be developed in order to work more efficiently as the population approaches 3.5 million people and beyond (approximately in 2051).

The Plan is currently in draft form and open for comment until 28 October 2016. During the development of the Plan, the State Government did not engage with local authorities. Officers are proposing that the contents of this report be captured and relayed to State Government's Transport Portfolio as a formal response from the City of Perth.

LEGISLATION / STRATEGIC PLAN / POLICY:

Integrated Planning and Reporting Framework Implications

Strategic Community Plan

Getting Around Perth

S3 Proactive planning for an integrated transport system, including light rail, that meets community needs and makes the sustainable choice the easy choice.

S4 Enhanced accessibility in and around the City including parking

Perth as a Capital City

S6 Maintain a strong profile and reputation for Perth as a city that is attractive for investment

Living in Perth

S9 Promote and facilitate CBD living

S12 Provide facilities to cater for the growth of the residential community

DETAILS:

The City of Perth welcomes State Government's long term plan for transport infrastructure, which aims to develop a robust, efficient transport network as Perth's population approaches 3.5 million people. The City of Perth is supportive in general terms of many of the proposed enhancements to the transport network.

General Comments

Officers strongly support the Plan's intention to prioritise spending on central infrastructure within a 15 to 20 kilometre radius of the city. This aligns well with Federal, State and Local Government policies relating to targeted urban infill. Given the potential for significant growth in the central area of Perth, it is considered that the Plan presents a unique opportunity for the City of Perth to collaborate closely with State Government and other inner metropolitan local government authorities to ensure that future growth is well planned, well designed and well supported by sustainable transport infrastructure. It is considered that the Plan could be developed further in demonstrating how land-use outcomes are facilitated and supported by transport infrastructure investment.

Officers note that there is currently no priority for the order that public transport projects should be completed within very general timeframe classifications (by 2.7 million, by 3.5 million and beyond 3.5 million). It is suggested that to add more strength and legitimacy to the Plan, there needs to be a more detailed assessment that prioritises the projects within each of these general population projections. Furthermore, the Plan would be strengthened by the inclusion of some discussion on how the nominated mode share targets are to be achieved by the planned infrastructure and other network improvements.

The Plan also does not contain any magnitude of cost for the proposed enhancements to the transport network and does not give any indication of how

these are likely to be funded. The Federal Government's recent Smart Cities Plan made a clear funding commitment towards prioritising improvements to major transformational infrastructure projects, including public transport accessibility. \$50 million has been committed towards infrastructure projects, including urban rail. The role of public transport in delivering productivity outcomes has been well articulated by the Senate Committee's report on this matter in 2014, which provides substantial justification for ongoing public transport infrastructure development in Australian cities.

The City of Perth wishes to work with the State Government to determine the most beneficial enhancements to the public transport network and identify available funding mechanisms to realise those benefits. The potential of value capture mechanisms to aid infrastructure delivery is referenced in the City of Perth draft Transport Strategy, and recognition of this financing method in the Plan is supported.

Integrated Transport Network – Inner City Subway

The City of Perth strongly supports the inclusion of an inner city subway system in the Plan and considers that this would be the primary transport system for the City of Perth and inner local government authorities. The City of Perth would like to see a firmer commitment to the project with State Government taking a more proactive approach towards the timing around the introduction of a subway system. Currently the Plan identifies the system's implementation at "beyond 3.5 million".

In order to achieve the draft population targets set by the State Government of 50,000 residents by 2030, introducing a subway system sooner would assist with increasing density and would enable the City of Perth to meet and likely exceed the targets. As such, the City of Perth will collaborate with the State Government in facilitating these population targets should the timing for the subway system be brought forward. Suitable locations for new subway stations will be identified by the City of Perth in concert with the State Government. As areas around these stations will benefit from improved accessibility, the City of Perth will ensure the planning controls governing surrounding land is structured to yield the best results including facilitating high density infill developments. The City of Perth will use its City Planning Scheme (and modify the scheme as necessary), policies and procedures to achieve maximum value capture in the city context around a subway system and will ensure that optimum approvals processes are in place.

The City of Perth undertakes to work closely and collaboratively with the State Government and other local government authorities to identify and utilise all necessary policy levers available as it is recognised that to achieve what is a city changing project will require a strong partnership from all three levels of government as well as the private sector.

The City of Perth is committed to working with the State Government in the development of a business case which examines the benefits of value capture if the State Government commits to a shorter timeframe for the proposed subway system. The City of Perth will aim to make the subway system successful for both the State Government and City of Perth and will initiate discussions with the Federal Government for funding through the Smarter Cities program.

Integrated Transport Network – Bus Network

An overarching bus network strategy is lacking within the Plan. Bus routes are traditionally based on historical urban growth patterns and do not take into account changes in urban form and density over time. The State Government's draft Perth Central Area Transport Plan recognises the current inadequacies around a strategic plan for the bus network and proposed a clearer vision.

The City of Perth strongly advocates for the State Government to undertake a wholesale review of the metropolitan bus network, including the Central Area Transport (CAT) routes, with the aim of improving legibility, integrating new higher capacity public transport options and reducing negative public transport impact currently being experienced on some city streets.

The location of the Perth City Busport needs to be considered as part of the bus strategy review. Assessment and confirmation of the most appropriate location for this facility and any future bus stations within the City of Perth needs to be critically assessed to determine optimal locations. The benefits of this will be realised by the City of Perth and also the State Government through a more efficient and effective bus network operation.

Integrated Transport Network – Light Rail

Through the City of Perth draft Transport Strategy, the City of Perth is advocating for a more evolved multi modal public transport network that could potentially replace some bus services in the central city with a mixture of higher capacity, higher frequency modes including light rail, bus rapid transit and a subway system.

The City of Perth notes that the Plan potentially proposes duplication of services through its multi-modal approach. An inner city subway system, as the primary transport system, could deliver network capabilities similar to light rail with the added benefit of not encroaching on the public realm. Should the timing for the subway system be brought forward, then the light rail system may not be required. Alternatively, the light rail system could function effectively as a secondary transport system for Perth and surrounding suburbs. The City of Perth would be supportive of this primary and secondary transport system approach, supplemented by a bus system. It is important that all transport systems are planned and implemented in a co-ordinated way to maximise value capture opportunities and to ensure that individual modes do not compete.

The City of Perth is committed to working with State Government to achieve a coordinated transport network and are supportive of the desire of other inner Local Government jurisdictions for a coordinated public transport system linking inner suburban areas.

Integrated Transport Network – Ferries

The Plan does not fully consider the extent to which water based transport services can contribute to the overall network in the medium to long term. The City of Perth's draft Transport Strategy recognises that significant development along the Swan

River will see many major sites such as Elizabeth Quay, Waterbank and the new Perth Stadium which will become operational in the short term. This will bring with it greater opportunities to use the river for transport services, including water taxis and alternatives to the traditional ferry services which may be suited to operating at high speeds in the Swan River.

Road Network – Proposed East West Link

The City of Perth strongly opposes the proposed introduction of a new bridge or tunnel connecting Canning Highway at Berwick Street to Riverside Drive at Plain Street, and a complementary tunnel connecting Riverside Drive at Plain Street with the Narrows Interchange and Mounts Bay Road. The City of Perth agrees with the Town of Victoria Park's view regarding the unclear rationale for this link and questions the need for it given reducing traffic volumes on the Causeway over many years. The proposed connection linking to Plain Street, a City of Perth road, is likely to result in greater traffic volumes in East Perth with associated negative consequences for traffic congestion, local amenity and livability, thus creating significant challenges for this area.

Furthermore, the proposed east west link conflicts with the Department of Planning's Perth Convention and Exhibition Centre masterplan and is also contrary to the State Government strategy to increase the use of public transport and keep traffic away from the city. For example, the CAT Plan seeks to ensure that the city has a sustainable, integrated and more balanced transport system. Also, the Perth Parking Policy aims to reduce the impacts of vehicular traffic on urban form and amenity within central Perth.

Active Transport

The City of Perth is supportive in general terms of the Plan's intentions to improve active transport through the implementation of a connected high quality walking and cycling environment. The City of Perth notes that it will continue working with the State Government and surrounding local government authorities to align strategic plans in this regard.

It is suggested that the State Government accelerate the proposed timing for implementation of an active travel connection across the Swan River at Heirisson Island to achieve active transport journey targets.

Linkage to the public transport experience is of key importance for a successful walkable environment and hence the State Government should recognize the need for improving walkability in the vicinity of public transport access points, and also at traffic signals.

Priority needs to be given to the Moore Street level crossing being replaced by a grade separated pedestrian, cycle and general traffic crossing.

FINANCIAL IMPLICATIONS:

There are no financial implications attached to this report.

COMMENTS:

The City of Perth will prepare a formal submission to State Government using the above points. The submission will highlight the various aspects of the Plan that the City of Perth supports, will suggest amendments and will detail areas of alignment between the Plan and the City of Perth's transport planning, economic development and strategic land use planning functions.

ITEM NO: 9

REVISED CYCLE PLAN IMPLEMENTATION PROGRAM 2016-2021

**PLANNING COMMITTEE
RECOMMENDATION:**

(APPROVAL)

That Council:

- 1. approves the revised draft City of Perth Cycle Plan Implementation Program 2016 – 2021 as detailed in Schedule 12; and***
- 2. notes the progress update on the City of Perth Cycle Plan Implementation Program 2014 – 2019 as detailed in this report titled “Revised Cycle Plan Implementation Program 2016-2021”.***

BACKGROUND:

FILE REFERENCE: P1022728-4
REPORTING UNIT: Transport
RESPONSIBLE DIRECTORATE: Planning and Development
DATE: 11 October 2016
MAP / SCHEDULE: Schedule 12 – Draft Cycle Plan Implementation Program 2016-2021

The Committee recommendation to the Council for this report was resolved by the Planning Committee at its meeting held on 25 October 2016.

The Committee recommendation to the Council is the same as that recommended by the Officers.

At its meeting held on **9 October 2012**, Council adopted the Perth Cycle Plan 2029 along with the Cycle Plan Implementation Program 2012 – 2017. The Implementation Program is updated biannually and subsequently, the Implementation Program 2014 – 2019 was approved by Council at its meeting held on **24 February 2015**.

The purpose of this report is to:

- present an updated Implementation Program 2016 – 2021 for review and approval by Council; and
- provide an update on progress for the specific infrastructure projects that were outlined in the Implementation Program 2014 – 2019.

LEGISLATION / STRATEGIC PLAN / POLICY:

Integrated Planning and Reporting Framework Implications

Strategic Community Plan

Getting Around Perth

- S3 Proactive planning for an integrated transport system, including light rail, that meets community needs and makes the sustainable choice the easy choice.
- S4 Enhanced accessibility in and around the City including parking

Living in Perth

- S9 Promote and facilitate CBD living
- S12 Provide facilities to cater for the growth of the residential community

DETAILS:

The City of Perth Cycle Plan 2029 (Cycle Plan 2029) was endorsed by Council in 2012. The Plan outlines a vision to be a more cycle-friendly city where cycling is an attractive, convenient and popular transport option. To achieve this, the Cycle Plan 2029 identifies actions around creating a strategic cycle network, playing an active role in encouragement and promotion of cycling, and providing more education and training for all road users.

The purpose of the Implementation Program is to identify specific infrastructure projects to be delivered over the next five years. Targets around encouragement, promotion, education and training are also identified. The Program is updated biannually to capture new opportunities, and ensure any changes in the associated capital works programs are reflected.

Progress to date

In accordance with the overall strategy, the City is progressively implementing key east-west and north-south cycle routes. A variety of treatments are used, including on road cycle lanes, shared paths and pedestrian priority zones.

Since the adoption of the Cycle Plan 2029 in 2012, approximately \$5.69 million has been spent on cycling infrastructure projects within the City of Perth. This includes an allocation of approximately \$4.62 million from the Perth Parking Management Fund between 2012/13 and 2015/16.

Cycle projects delivered by the City of Perth are summarised in the attached Implementation Program 2016 – 2021, with the most recently completed projects including:

- Harvest Terrace Stage 1 – shared path between Malcolm Street and Parliament Place;
- Railway Street – shared path between Thomas Street and Sutherland Street, including a connection through to the existing shared path on Market Street; and

- Barrack Street – cycle lanes between Wellington Street and St Georges Terrace.

In addition to these projects, cycle infrastructure has recently been delivered (or is currently under construction) as part of major redevelopment projects, including:

- The shared pedestrian and cycle bridge delivered as part of Elizabeth Quay;
- The Wellington Street separated cycle path being delivered as part of Perth City Link;
- The Swan River shared pedestrian and cycle bridge currently under construction as part of the Perth Stadium development; and
- New shared paths through the Waterbank site.

In 2015/16 approximately 25 new bike parking rails were installed, many at the request of local businesses. In total there are approximately 420 on-street bike racks available for public use throughout the city, and 54 secure bicycle racks at Elder Street carpark. The City is also working with the Public Transport Authority (PTA) to deliver secure bicycle parking at train stations within the City of Perth.

To support the delivery of infrastructure, the City of Perth has been involved in a range of cycling-focused education, encouragement and promotional initiatives. In 2015/16 this included a Bike Week Breakfast for 500 cyclists, free bike maintenance and coffee pop ups, basic bike maintenance and cycle confidence courses, renewing the City of Perth TravelSmart maps and finalising a series of cycle safety animations. Officers have also undertaken a Bike Share Feasibility Study, mapped end-of-trip facilities throughout the CBD, and developed a cycle plan costing tool to better inform our Implementation Program.

Revised Cycle Plan Implementation Program 2016 – 2021

The updated Implementation Program 2016 – 2021 (refer to Schedule 12) outlines a strategy for delivering new cycle infrastructure over the next five years. It acknowledges the complexity of providing high quality cycle infrastructure in a CBD context by allowing more realistic delivery timeframes, comparative to previous versions of the Implementation Program.

To enable accurate tracking of implementation progress, future cycle plan projects have been identified as standalone or dependent. Where possible, projects have been aligned with an overarching major capital works program to ensure the cost effective delivery of new infrastructure.

Delivery timeframes for smaller integrated cycle plan projects have been removed from the revised Implementation Program. These projects will be delivered as opportunities become available, such as through Council's ongoing road resurfacing program.

The updated Implementation Program identifies projects within the Crawley/Nedlands area which now falls within the City of Perth. These projects will be considered if an opportunity becomes available, but a dedicated timeframe for implementation cannot be provided until the Cycle Plan 2029 has been updated.

Previous versions of the Implementation Program have included cost estimates for all projects, regardless of the design stage. This has resulted in inaccurate and unrealistic cost estimates being published, and as such this approach has not been continued in the revised program.

For dependent projects, an indicative cycle plan contribution has been identified based on discussions between project officers. For standalone projects, cost estimates are provided for projects for which a quantity survey cost estimate has been undertaken.

Current Projects

The updated Implementation Program provides a complete list of current and upcoming projects (refer to Schedule 12). Individual project progress as of October 2016 is summarised below.

Dependent Projects

- *Milligan Street Stage 1 (Parallel Walks)*

As part of the parallel walks intersection upgrade at Milligan Street and St Georges Terrace, head start boxes and cycle lanes on the Milligan Street approaches to the intersection will be provided.

Status – Detailed design underway; construction forecast for 2017/18
Indicative Cycle Plan Contribution – \$35,000

- *Murray Street West, Stages 2 & 3 (Two Way Streets)*

As part of the two-way conversion of Murray Street between Thomas Street and Elder Street, cycle lanes are to be provided including head start boxes and cycle signal head starts at controlled intersections.

Status – Detailed design underway; construction forecast for 2017/18.
Indicative Cycle Plan Contribution – \$150,000

- *Hill Street (Two Way Streets) – New Project*

As part of the two way conversion of Hill Street, an opportunity to provide cycle infrastructure has been identified and is being investigated as part of the design investigation process. This does not have any financial implications for the Cycle Plan budget at this stage. The revised alignment will be included in the updated Cycle Plan.

Status – Initial investigations underway.
Indicative Cycle Plan Contribution – to be advised.

- *Kings Park Road (Streetscape Enhancement)*

A new shared path is proposed along the southern side of Kings Park Road. As part of the road upgrade, an on-road facility may also be considered.

Status – The Kings Park Road Masterplan project is currently being carried out by the Coordination and Design Unit. A feasibility study and concept design for a shared path has been completed. Detailed design and construction subject to funding constraints.

Standalone Projects

- *Aberdeen Street (CW2136) – New to Implementation Program*

On-road cycle lanes between Beaufort Street and Pier Street, including head start boxes and cycle signal head starts at controlled intersections. This project is in the Cycle Plan 2029 but was not included in previous versions of the Implementation Program. It is a vital project which will complete a key missing link in the cycle network.

Status – Detailed design underway; construction forecast for 2016/17.
Construction Cost Estimate – QS cost estimate pending.

- *Harvest Terrace Stage 2 (CW1956)*

Continuation of the existing shared path from Parliament Place to Hay Street and improving connectivity to the existing George Street principal shared path.

Status – Detailed design complete; construction forecast for 2016/17.
Construction Cost Estimate – \$488,000.

- *Hay and Murray Street Malls (CW0179)*

This project seeks to create pedestrian priority zones in Hay and Murray Street Malls to formalise legal, slow speed cycling. To proceed, an amendment to the *City of Perth Thoroughfares and Public Places Local Law* was required.

Status – Amendments to the local law to enable slow speed cycling through the malls is currently on hold while options are explored.

- *Trafalgar Bridge (CW2080)*

Investigations being undertaken in 2016/17 to rectify noise issues and create a pedestrian priority zone which will allow slow speed cycling across Trafalgar Bridge.

- *Kensington Street (CW2075)*

Feasibility and concept design study to commence in October 2016 to determine preferred infrastructure type.

- *Milligan Street Stage 2 (CW0179)*

Feasibility and concept design study to commence in 2016/17 to determine preferred layout of cycle lane and integrated cycle treatments between St Georges Terrace and Wellington Street.

- *Harvest Terrace Stage 3 (CW1956) – Extension of Current Project*

An opportunity to continue the Harvest Terrace cycle facility between Hay Street and Murray Street has been identified. This will connect Harvest Terrace Stage 2 with the future Murray Street cycle lanes. Design to commence in 2016 with construction timed to align with the Murray Street Two Way program. The extended alignment will be included in the updated Cycle Plan.

Supporting Infrastructure

Three premium bike repair stations will be installed along major cycle paths in 2016. A new cycle totem counter, which displays real time data on cycling numbers, will also be installed on Barrack Street in 2016.

Current State Government Projects

As part of the Charles Street Bus Bridge project, the recently completed Railway Street shared path will be extended through to the existing Roe Street shared path at Milligan Street. This project will be completed in early 2017.

Other projects currently under construction include the Wellington Street separated cycle path and the Swan River shared pedestrian and cycle bridge, as mentioned above.

FINANCIAL IMPLICATIONS:

There are no financial implications attached to the recommendations of this report. The City's current Ten Year Financial Plan includes an annual budget consideration of \$500,000 to continue cycling infrastructure improvements.

COMMENTS:

Cycling numbers continue to increase

Since the adoption of the Cycle Plan 2029 there has been a marked commitment by the City of Perth towards providing for cycling in the city environment. This has translated into an increase in the number of people cycling. The State Government has reported significant increases in cycling numbers above the rate of population

growth, with a 32% increase in cyclists on the principal shared path (PSP) network near the CBD from 2011 to 2015.

The data also shows that the most common entry point into the city for cyclists is via the Narrows Bridge, with an average of 2,396 riders each work day. This figure is commensurate with cyclists using the Sydney Harbour Bridge.

The 2016 Super Tuesday visual bicycle counts indicate cycling growth in areas where new infrastructure has been delivered. For example, the number of cyclists at the intersection of Barrack Street and St Georges Terrace increased 49% between 2015 and 2016.

The 2015 Australian National Cycling Participation Survey shows that Western Australia is still a leader in cycling participation, with 23% of the population riding at least once a week (up from 18% in 2013) comparative to 17% or less in NSW, Victoria, Queensland and South Australia.

State Government Partnerships

As the Capital City of Western Australia, the City of Perth is committed to working in partnership with State Government to deliver a safe, easy to use and well-connected cycle network. This network is informed by the Cycle Plan 2029 as well as the State Government's West Australian Bicycle Network Plan. The latter is currently under review and expected to be released at the end of 2016.

As mentioned above, between 2012/13 and 2015/16, \$7.5 million was allocated from the Perth Parking Management Fund for the implementation of cycling infrastructure within the City of Perth.

Historically the Perth Central Area Transport Plan (PCATP) has been the State Governments method of highlighting cycling projects to be funded from contributions to the Perth Parking Levy. The current PCATP lacks a funding allocation for specific projects within the City, including cycling infrastructure. This issue has been raised with the Department of Transport and City of Perth Officers are working with State Government to refine a funding schedule for priority projects.

Update to the Cycle Plan 2029

The Cycle Plan 2029 was released in 2012, with financial resources allocated over 5 years. An updated Cycle Plan is needed, not only to guide the City through the next phase of implementation, but also to ensure the following are appropriately considered:

- Changes to City of Perth boundaries to include sections of Nedlands previously within the City of Subiaco;
- City of Perth Transport Strategy, to be released in October 2016;
- Perth Transport Plan @ 3.5 Million, released by the State Government in July 2016, and
- The revised WA Bicycle Network Plan, expected to be released later this year.

The updated City of Perth Cycle Plan will be released in early 2017.

MARKETING, SPONSORSHIP AND INTERNATIONAL ENGAGEMENT COMMITTEE REPORTS

ITEM NO: 10

EVENT SPONSORSHIP (PARTNERSHIP) – RAC CHRISTMAS PAGEANT

**MARKETING, SPONSORSHIP (APPROVAL)
AND INTERNATIONAL
ENGAGEMENT COMMITTEE
RECOMMENDATION:**

That Council:

- 1. approves Cash Sponsorship of \$150,000 (excluding GST) to Seven West Media to present the Channel Seven Christmas Pageant 2016 on Saturday, 3 December 2016;***
- 2. notes that the event organisers will provide the following sponsorship benefits to the City of Perth :***
 - 2.1 the City of Perth to be recognised as a supporting sponsor of the event;***
 - 2.2 the support of the City of Perth to be recognised in all media releases for the event;***
 - 2.3 the City of Perth crest to appear on all print and outdoor advertising for the event;***
 - 2.4 the City of Perth crest to feature on all event signage;***
 - 2.5 the City of Perth to be acknowledged in all television, press and radio promotions as a supporting sponsor of the event;***
 - 2.6 the City of Perth crest to appear on the official event website with a hyperlink to the City of Perth website;***

(Cont'd)

- 2.7 a sponsor profile on the official event website;**
 - 2.8 the support of the City of Perth to be acknowledged in social media for the event;**
 - 2.9 an opportunity for the City of Perth to provide content for official event newsletters;**
 - 2.10 an opportunity for the City of Perth to carry out leveraging activities at the event;**
 - 2.11 an opportunity for the City of Perth employees to participate in the event as volunteers;**
 - 2.12 the City of Perth to have use of Channel Seven's Father Christmas Sleigh for the City of Perth turning on the Christmas Lights on Friday, 18 November 2016;**
 - 2.13 an opportunity for the Lord Mayor, or representative, to speak at official event functions;**
 - 2.14 the Lord Mayor to be invited to co-host the event telecast;**
- 3. a detailed acquittal report, including all media coverage obtained, by 31 March 2017.**

BACKGROUND:

FILE REFERENCE: P1032438-03
REPORTING UNIT: Business, Support and Sponsorship
RESPONSIBLE DIRECTORATE: Economic Development and Activation
DATE: 30 August 2016
MAP / SCHEDULE: N/A

The Committee recommendation to the Council for this report was resolved by the Marketing, Sponsorship and International Engagement Committee at its meeting held on 18 October 2016.

The Committee recommendation to the Council is the same as that recommended by the Officers.

The Channel Seven Christmas Pageant (Christmas Pageant) has been held in Perth for over 40 years. It has become a highly anticipated annual event which is enjoyed by the wider community of Perth and is a key component of the City's Christmas calendar of events. The event is historically held on the first or second Saturday of December, commencing at dusk.

Summary of Event:

The 45th annual Christmas Pageant will be held on Saturday, 3 December 2016 at 7.30pm. The Pageant will be comprised of floats with Christmas and/or children's themes as well as bands, dancing groups, multicultural and community groups. The City of Perth will be providing entertainment in Forrest Place on the day of the event as part of its Festival of Christmas campaign, and will again have Christmas projections on the GPO building.

Family friendly pre-Pageant entertainment will take place along the course route from late afternoon, along with food and beverage stalls. The City's Business Support Officers are working with organisers to engage traders along the course route to stay open and capitalise on the crowds in the city for the event. Several traders have expressed interest in leveraging the event and offering family friendly menus for the event.

Event telecasts will be broadcast on Channel Seven and GWN on Sunday, 4 December in prime time, and repeated again on Christmas Day.

In 2015, organisers made the decision to cancel the Christmas Pageant at the last minute due to forecast extreme storms. In 2016, organisers are working on all floats to get them to a high safety standard for 2016 so that the event will not need to be cancelled in the event of inclement weather.

Event Website

In 2016, Seven West will launch an official event website for the first time. The site will include specifics on the event, entertainment and public transport, as well as promoting City of Perth Parking (CPP) locations to those who choose to drive in for the event.

Blue Honour Line

The City of Perth has provided the Blue Honour Line for the Christmas Pageant since 1972. In 2015, the cost of this was \$6,523.

Funding

The total cost of the event is \$1,972,870. Organisers have requested Cash Sponsorship of \$150,000 for the event (8% of the total cost of the event). The event also receives funding from Synergy and RAC. Investment levels for these sponsorships have not been provided to the City of Perth as they are confidential. Organisers are committed to maintaining a small number of key event partners.

The following table shows the City's support for the event since 2010:

Year	Cash	In-Kind	Total
2010	\$110,000	\$30,000	\$140,000
2011	\$140,000	n/a	\$140,000

Year	Cash	In-Kind	Total
2012	\$140,000	n/a	\$140,000
2013	\$140,000	n/a	\$140,000
2014	\$144,000	n/a	\$144,000
2015	\$144,000	n/a	\$144,000*

*due to Christmas Pageant cancellation, the full sponsorship amount was not paid.

Cash Sponsorship of \$150,000 is recommended for 2016. This increase is recommended in lieu of the support previously provided by the City for the Blue Honour Line.

LEGISLATION / STRATEGIC PLAN / POLICY:

Integrated Planning and Reporting Framework Implications	Strategic Community Plan Council Four Year Priorities: Perth as a Capital City S5 Increased place activation and use of under-utilised space
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Policy

Policy No and Name: 18.8 - Provision of Sponsorship and Donations

DETAILS:

Eligibility for Sponsorship:

Criterion	Satisfied
The total value of the event exceeds the sponsorship requested.	Yes
The event takes place within a public space in the City.	Yes

Acquittal

As the 2015 Christmas Pageant did not occur, no post-event acquittal report was required.

Assessment of Application (Partnership):

1. Contribution of the event to the economy of the city

REMPPLAN ECONOMIC MODELLING		
Event	Direct Effect	Total Effect With Multiplier
2016 Christmas Pageant	\$24.366 million	\$39.03 million

Economic Modelling for the event shows a return on investment for the requested level of sponsorship of 1:279. Organisers are being proactive in engaging city traders along the course route to stay open for the event which will maximise economic returns for our traders.

2. Has a significant national or international profile or the potential to develop it

The Christmas Pageant is the largest Christmas event in Western Australia and attracts attendees from across the State. The event is a key event on Western Australia's Christmas calendar of events.

3. Contributes towards the achievement of one or more of the City's marketing objectives:

- to position the city as a city of regional and international significance;

The Christmas Pageant is one of the key events on the City's Christmas calendar and attracts regional attendees annually. It successfully positions Perth as the premier destination for Christmas activities in the Western Australian calendar.

- to increase visitation to the city;

The event is one of the largest annual events in the city, attracting an estimated attendance of over 250,000.

- to increase economic investment in the city;

The event will increase economic investment in the city through car parking revenue, food and beverage spend, retail spend and accommodation. Organisers are working with the city to engage traders along the course route to stay open and capitalise on the additional crowds in the city for the evening.

- to create a vibrant, energetic 24 hour city.

The event will create vibrancy in the city with a spectacle for families, which is a key targeted demographic for the city.

4. Preference will be given to events which provide free attendance

The event is free to the public to attend.

5. Preference will be given to events which will be held exclusively in the city

The event is held exclusively in the City of Perth.

6. Benefits to be provided to the City of Perth

The benefits provided to the City of Perth are detailed in the recommendation section of this report.

Event Sponsorship Category:

- *Major Civic Partnership – Three to five years funding commitment, \$50,000, plus CPI;*
- *State and National – Three years funding commitment, less than \$50,000, plus CPI;*
- *Annual – Annual or historic funding, less than \$20,000; and*
- *Start-Up/One-Off – Once only funding, less than \$15,000.*

The applicant is considered eligible for event sponsorship under the Major Civic Partnership category, in accordance with Policy 18.8 – Provision of Sponsorship and Donations.

Classifications are indicative only and subject to annual consideration.

FINANCIAL IMPLICATIONS:

ACCOUNT NO:	9386 5000 7901
BUDGET ITEM:	Recreation and Culture – Other Culture – Other Cultural Activities
BUDGET PAGE NUMBER:	85
	BUDGET ITEM
BUDGETED AMOUNT:	\$442,311
AMOUNT SPENT TO DATE:	\$165,000
PROPOSED COST:	\$150,000
BALANCE:	\$127,311

All figures quoted in this report are exclusive of GST.

COMMENTS:

The Christmas Pageant is an integral part of the City's Christmas calendar, attracting an estimated 250,000 people to the city on one evening. Organisers are working closely with the City's Business Support team to ensure that there are real tangible benefits for city businesses as a result of the additional crowds in the city.

The sponsorship will promote CPP carparks as the preferred parking partner for the event. With an event-specific website for the first time, organisers will have a dedicated resource to promote other city Christmas events and CPP carparks as well as where to eat, drink and stay for event attendees.

It is recommended that Council approves sponsorship of \$150,000 (excluding GST). This amount is an increase on the level of sponsorship provided in 2015, and provides cash in lieu of the Blue Honour Line service previously provided by the City of Perth.

ITEM NO: 11

EVENT SPONSORSHIP (PARTNERSHIP) – NETBALL WA 2017 WEST COAST FEVER SEASON

**MARKETING, SPONSORSHIP (APPROVAL)
AND INTERNATIONAL
ENGAGEMENT COMMITTEE
RECOMMENDATION:**

That Council:

- 1. approves Cash Sponsorship of \$85,000 (excluding GST) and In-kind Sponsorship of \$25,000 (excluding GST) to Netball WA to present two additional National Netball League season games at Perth Arena, a series of free community clinics, the official season launch and a corporate networking function in city locations between February and June 2017;***
- 2. notes that the event organisers will provide the following sponsorship benefits to the City of Perth:***
 - 2.1 the City of Perth crest and City of Perth Parking logo to appear on the 'big screen' during all West Coast Fever Perth Arena matches;***
 - 2.2 the City of Perth crest and City of Perth Parking logo to appear on screens at the season launch, community clinics, and corporate function events;***
 - 2.3 the City of Perth crest and City of Perth Parking logo to appear on the West Coast Fever website with a hyperlink to the City of Perth website;***
 - 2.4 the City of Perth crest and City of Perth Parking logo to appear on pre-event briefing information sent to West Coast Fever members;***
 - 2.5 the support of the City of Perth to be acknowledged on the events social media in the lead up to each Perth Arena match;***

(Cont'd)

- 2.6 *City of Perth Parking to be promoted on the events social media in the lead up to each Perth Arena match;*
 - 2.7 *City of Perth Parking ticket holders to have a dedicated entrance into the venue;*
 - 2.8 *a media announcement of the City of Perth sponsorship to be published on the West Coast Fever website;*
 - 2.9 *the support of the City of Perth to be verbally acknowledged during the West Coast Fever Community Clinic;*
 - 2.10 *an opportunity for the City of Perth to present a media announcement of the partnership featuring West Coast Fever players;*
 - 2.11 *an opportunity for the City of Perth to film exclusive behind the scenes content of players for use on social media channels.*
3. *a detailed acquittal report, including all media coverage obtained, by 30 September 2017.*

BACKGROUND:

FILE REFERENCE: P1032438-03
REPORTING UNIT: Business, Support and Sponsorship
RESPONSIBLE DIRECTORATE: Economic Development and Activation
DATE: 24 August 2016
MAP / SCHEDULE: Confidential Schedule 13 – Dun and Bradstreet Business Report
(Confidential schedules have been distributed to Elected Members under separate cover)

The Committee recommendation to the Council for this report was resolved by the Marketing, Sponsorship and International Engagement Committee at its meeting held on 18 October 2016.

The Committee recommendation to the Council is the same as that recommended by the Officers.

Netball is the most popular women's sport in Australia with an estimated one million players nationwide and 178,000 in Western Australia alone.

Netball WA has the governing body for netball in Western Australia and has been operating for 93 years. The organisation incorporates the National Netball League

team – West Coast Fever. West Coast Fever is the preeminent Western Australian Netball team with the highest paid athletes and largest supporter base in the State.

Netball WA is the highest female participation in sport in Western Australia with more than 45,000 members, and engages a total of 178,000 participants in Netball WA and West Coast Fever Programs. Netball WA's strategic plan takes a multifaceted approach, covering grass roots community programs, developing a love of the sport in children, and support of the sports elite athletes and State team.

Netball WA is supported by the organisation's Patron – Her Excellency the Governor Kerry Sanderson, and West Coast Fever's Number One Ticket Holder the Hon Premier Colin Barnett MLA.

National Netball League

Launching in February 2017, the new National Netball League will represent the world's best netball competition attracting the best players, the highest corporate support and the most comprehensive television coverage and audience. The 2017 National Netball League will be made up of the following elements:

- One pre-season challenge match in Western Australia;
- The National Netball League Pre-Season Tournament;
- 14 home and away games;
- Seven home games with at least two of these to be held at Perth Arena (four if Council approves sponsorship);
- Finals series; and
- Corporate functions including the PKF Mack Corporate netball Day, PKF Mack Centre Circle Lunch, PKF Mack Open Training session and the West Coast Fever Awards Dinner.

Summary of Opportunity:

Netball WA has requested cash sponsorship of \$85,000 and in-kind sponsorship of \$25,000 from the City of Perth to fast track the presentation of two additional games at Perth Arena during the 2017 season, as well as for a series of events detailed below including free school holiday community clinics.

The National Netball League season runs across 17 weeks from February to June 2017. The season will include 56 games, with each team competing against each other twice, and will include a three week finals component.

Season Launch

Organisers will hold a free season launch on the eve of the inaugural season of the National Netball League. The Season Launch will feature the entire playing squad of West Coast Fever as well as the coaches and support staff. The event will be free to the public to attend and include an opportunity for West Coast Fever supporters to engage with WA's premier netball team. The Season Launch will be held at a key city location, those proposed include Perth Town Hall and Forrest Place.

Community Clinic

Held across the school holidays of January and April, *Fever in the City* will bring the star players and coaches into the heart of Perth's CBD to create unparalleled access to WA's leading female sporting team.

Fever in the City will run individual, 120 minute sessions on four separate days during the January holidays and an additional two to three sessions during the Easter school holidays (pending confirmation of final fixtures and player schedule). This will give fans an opportunity to engage with the team during the lead up to the start of the season, and to later reconnect with them at the season's half way point.

Each session will feature a minimum of two current West Coast Fever stars, a member of the West Coast Fever coaching staff and West Coast Fever's community development officers for a two hour session that will feature a skills based clinic, Q&A with the players, a signing session and competitions with giveaways and prizes.

Fever will provide free team posters for every participant, as well as all giveaways including balls, backpacks, wristbands, stickers and more. Fever's regular match day MC will attend and host each session including the Q&A, and the clinics will be promoted out to Netball WA and West Coast Fever's more than 50,000 combined members. Each clinic can draw up to 250 - 300 participants, with a potential draw of 1,750 – 2,100 across the seven sessions.

Corporate Function

Netball WA propose a corporate sundowner function to be hosted in a City of Perth venue, potentially Council House. The event would provide an opportunity for existing and potential partners to engage with the team outside of the training and match day environment and hear exclusively from West Coast Fever coaches and players.

Promotion of City of Perth Parking

Netball WA will promote City of Perth Parking (CPP) car parks to its members through electronic direct mail to its database. CPP will also be promoted on the West Coast Fever website and social media. Organisers are investigating the option of a discount parking offer to promote facilities. CPP is the preferred parking partner, attendees with CPP tickets will have a dedicated entry lane at Perth Arena for West Coast Fever matches. This initiative is expected to further increase revenue and patronage for CPP with further analysis included later in the report.

Perth Arena Matches

The West Coast Fever team is historically based at HBF Stadium in Claremont with the majority of home games played in that venue. Games at HBF Stadium traditionally sell out seated ticketing, and draw a total attendance of approximately 3,500. The team commenced hosting games at Perth Arena four years ago and now plays one or two home games at the venue each season.

Matches held at Perth Arena historically attract a higher attendance than those events held at HBF Stadium due to the increased capacity of the venue, with 9,000 attendees expected to attend each match held there, compared with 3,500 at HBF Stadium.

One of the additional proposed Perth Arena games would be the first home game of the season and would launch the inaugural year of the National Netball League in the city centre. Organisers also propose that the games will be high profile marquee clashes and may include the reigning champions Queensland Firebirds.

With two games already positioned at Perth Arena, West Coast Fever will offer multi-game memberships, leveraging the appeal of the additional Perth Arena games. In addition, Netball WA proposes that one of these additional games will likely be an open-air game. Netball WA will only be the second ever event after tennis to have an open-air game at this location.

Organisers advise that delivering two additional home games in the city would support a significant drive in membership and ticket sales, increase the fan engagement experience and allowing for more fans than ever before to be able to attend a West Coast Fever match live.

West Coast Fever matches are ticketed with ticket prices starting at \$40 and junior or group tickets costing \$25.

Funding

The total cost of the events contained within the sponsorship proposal is \$283,500. Organisers have requested total sponsorship of \$110,000 made up of \$85,000 Cash Sponsorship and \$25,000 In-kind Sponsorship (38% of the total cost of the events).

In-kind Sponsorship of \$25,000 has been requested to cover the cost of banner hire in the malls to promote the games at Perth Arena, and for the hire of Forrest Place for the Community Clinics. These in-kind contributions will bring vitality and colour to the city with the prominent promotion of the West Coast Fever branding.

Netball WA is supported by the State Government through the Department of Sport and Recreation, the Federal Government through the Department of the Prime Minister and Cabinet, Healthway (Major Sponsor), and a range of other Corporate Partners and Sponsors.

The City of Perth has not previously supported Netball WA. A Dun and Bradstreet Business report is attached at Confidential Schedule 13.

Direct and Indirect Benefits to the City of Perth:

The proposed sponsorship with the West Coast Fever brings numerous benefits to the City of Perth including:

Support for Women's Professional Sport

Participation in women's sport across Australia is growing at its fastest rate ever, with a record number of participants across all codes of sport. Netball, through the former ANZ Championship, was the first mainstream sport to implement a professional women's competition and in recent years this has closely been followed by the Westfield W-League (soccer) and now AFL Women's which commences in 2017. Through this sponsorship, the City of Perth is able to position itself as a primary supporter of women's sport in Western Australia.

Increased Visitation to the city

Through this sponsorship, the West Coast Fever will bring an additional 18,000 people into the city to experience additional matches at Perth Arena, bringing the total possible audience for the four matches to approximately 36,000. Further to this, it is anticipated that a further 1,750-2,100 children will participate in the free West Coast *Fever in the City* clinics who will attend with parents and other family members.

Economic Returns for Business

REMPPLAN modelling suggests that through the two additional matches at Perth Arena, match attendees will spend on average \$97 per person before, during and after the games. This represents a total of \$1,746,000 injected into the city economy due to the increased matches at Perth Arena. A similar figure can be applied to participants at the West Coast *Fever in the City* clinics, generating an additional \$203,000 to the CBD economy.

CPP Revenue

Analysis on the Elder Street car park, the closest CPP facility to the Perth Arena suggests patronage and revenue can be expected to significantly increase based on the addition of two extra matches.

Date	Revenue (Inc. Gst)	Patronage	Revenue Increased compared to a normal Sat without any events	Patronage Increased compared to a normal Sat without any events	% Revenue Increased compared to a normal Sat without any events	% Patronage Increased compared to a normal Sat without any events
West Coast Fever Play Dates						
21/05/2016	\$7,289.00	505	\$4,383.00	307	151%	155%
25/06/2016	\$8,396.00	646	\$5,490.00	448	189%	226%
No. of events on Perth Arena						
28/05/2016	\$2,906.00	198				

\$9,873.00

Vibrancy of the City

The Perth Wildcats have been successfully playing all 14 regular season home matches in the NBL at Perth Arena since 2011. The addition of the Wildcats to the city has created a unique vibrancy on game days, with thousands of fans dressed in red populating city food and beverage outlets and retail shops before and after matches. West Coast Fever fans are similarly patriotic and by bringing more activities from the team into the city, we can expect to see thousands of supporters clad in green adding a unique sporting vibrancy to our city on a regular basis.

Branding, Marketing and Positioning of the City

This is a significant opportunity for the City to align itself with the premier professional women's sporting team in Western Australia, allowing the City to significantly leverage off the West Coast Fever and Netball WA membership base of 50,000 and a further 12,300 strong social media support. The securing of exclusive content rights with the sponsorship will allow the City's Marketing and Communications Unit to create and share engaging content through our media channels to position the City as a key supporter of women's sports, a theme that resonates with the key family demographic. The opportunity to have school holiday activities within Forrest Place ideally complements existing programs run by the City's events unit and adds further star power to attract visitors to experience the city during the holidays. All National Netball League games will be broadcast nationally on GEM, providing further branding benefits to the City of Perth and positioning Perth as a key Capital City in the sporting landscape.

LEGISLATION / STRATEGIC PLAN / POLICY:

Integrated Planning and Reporting Framework Implications

Corporate Business Plan

Council Four Year Priorities: Perth as a Capital City
S6 Maintain a strong profile for Perth as a city that is attractive for investment

Policy

Policy No and Name: 18.8 - Provision of Sponsorship and Donations

DETAILS:

Eligibility for Sponsorship:

Criterion	Satisfied
The total value of the event exceeds the sponsorship requested.	Yes
The event takes place within a public space in the City.	No

Assessment of Application (Partnership):

1. Contribution of the event to the economy of the city.

Economic Modelling for the event shows that the expected economic output for the event is \$4.825 million. This is a return on investment for the requested level of sponsorship of 1:43. The hire of Perth Arena amounts to only a small percentage of this cost, at \$60,000 per game. Organisers advise that West Coast Fever draws a predominantly family based audience, who are likely to continue on to eat or shop in the city. Approximately 1,000 regional attendees attend matches at Perth Arena and historical information from Netball WA shows that they are likely to stay in the city for two nights.

2. Has a significant national or international profile or the potential to develop it.

With the new National Netball League, the profiles of both Netball WA and West Coast Fever will be elevated nationally. Each West Coast Fever Match at Perth Arena attracts on average 7,000 attendees, but has been known to attract up to 9,000 attendees, depending on the standing of the rival team. In 2017, every National Netball League game will be broadcast on GEM, including two live games each week. West Coast Fever also boasts some of the highest profile players in the sport, including a number of national players.

3. Contributes towards the achievement of one or more of the City's marketing objectives:

- to position the city as a city of regional and international significance;

The event will position the city as a city of regional significance with one of the States key professional sporting teams playing in the city centre on a regular basis. The City of Perth would like to see the West Coast Fever eventually play all home games at the Perth Arena, as do the Perth Wildcats.

- to increase visitation to the city;

The events will increase visitation to the city, with an estimate between 18,000 and 22,000 additional spectators coming in to the city. In addition organisers will run events where fans can get up close and personal with players, as well as community clinics planned to be held in the school holidays.

- to increase economic investment in the city;

The event will increase economic investment in the city with an additional 18,000 to 22,000 people in the city for the additional games. Organisers will promote City carparks as the preferred parking option for those who drive in for the games. Organiser's estimates that spend on suppliers residing within the city would total \$190,000 and would include advertising, marketing and overheads.

- to create a vibrant, energetic 24 hour city.

The new National Netball League is a significant, high profile, televised professional sporting league which brings thousands of passionate fans into the city. The proposed events will assist in creating vibrancy and will further cement the City's role as a Capital City. Organisers advise that they receive a regional attendance of approximately 1,000 for each game held at Perth Arena.

4. Preference will be given to events which provide free attendance.

Whilst the event is not free to the public to attend, the cost of tickets is relatively low, particularly when compared to the costs of other high level sporting league events. Several components of the proposed sponsorship are free to the public to attend, including the Community Clinics and the season and media launch events which ensures the City has a good balance of free and ticketed components to the sponsorship.

5. Preference will be given to events which will be held exclusively in the city

All matches and events in this sponsorship request will be held exclusively in the city.

6. Benefits to be provided to the City of Perth

The benefits provided to the City of Perth are detailed in the recommendation section of this report.

Organisers have also presented an option of sponsorship of only one additional game at Perth Arena for a requested Cash Sponsorship of \$50,000 cash sponsorship and \$25,000 In-kind Sponsorship. Economic Modelling shows that the expected economic output for this scenario would be \$1.672 million. This would equate to a return on investment on this level of sponsorship of 1:22.

Should Council choose to provide sponsorship at this level, the same sponsorship benefits will be provided, however the exposure and promotion will be limited to only the three games at Perth Arena instead of four.

Event Sponsorship Category:

- *Major Civic Partnership – Three to five years funding commitment, \$50,000, plus CPI;*
- *State and National – Three years funding commitment, less than \$50,000, plus CPI;*
- *Annual – Annual or historic funding, less than \$20,000; and*
- *Start-Up/One-Off – Once only funding, less than \$15,000.*

The applicant is considered eligible for event sponsorship under the Major Civic Partnership category, in accordance with Policy 18.8 – Provision of Sponsorship and Donations.

Classifications are indicative only and subject to annual consideration.

FINANCIAL IMPLICATIONS:

ACCOUNT NO:	CL 9386 5000 7901
BUDGET ITEM:	Recreation and Culture – Other Culture – Other Cultural Activities
BUDGET PAGE NUMBER:	85
	BUDGET ITEM
BUDGETED AMOUNT:	\$442,311
AMOUNT SPENT TO DATE:	\$105,000
PROPOSED COST:	\$110,000
BALANCE:	\$227,311

All figures quoted in this report are exclusive of GST.

COMMENTS:

It is recommended that Council approves sponsorship of \$110,000 (excluding GST) to Netball WA to present two additional games at Perth Arena (including one open-air game), a series of free community clinics, the official season launch and a corporate networking function in city locations between February and June 2017. The additional matches will add vibrancy and economic benefits to the city, which are evidenced with the success of the Perth Wildcats move to Perth Arena five years ago. The city is often awash with the “red army” on game nights and the City hopes to extend this to the West Coast Fever games with attendees to turn the city green.

The City of Perth can further cement our status as Australia’s newest Perth Capital City by welcoming one of the state’s premier professional sporting teams into the city on a more regular basis. Both the City of Perth and Netball WA have the overall aim to move all regular season games and finals to Perth Arena. As the West Coast Fever becomes more established at Perth Arena, and the average audience increases, the financial risk to Netball WA to stage matches at Perth Arena decreases, and the support of the City of Perth can be refocused to support additional community events.

This sponsorship opportunity meets several key objectives as it covers a range of free events and initiatives including a community clinic to be held in Forrest Place over a number of days and a public season launch. If approved, this will be the City’s only current sponsorship of a WA professional sporting team and shows strong support for the largest female participant sport in Australia.

Where the majority of the City’s Event Sponsorships run over a short concentrated period of time, the benefits to the City of Perth for sponsorship of Netball WA for the proposed initiatives will run for an extended period, from January to June. This would provide a unique opportunity for the City of Perth to leverage its support for the event over several months and tie it into a number of different campaigns and activations.

FINANCE AND ADMINISTRATION COMMITTEE REPORTS

ITEM NO: 12

PAYMENTS FROM MUNICIPAL AND TRUST FUNDS – SEPTEMBER 2016

**FINANCE AND ADMINISTRATION (APPROVAL)
COMMITTEE
RECOMMENDATION:**

That in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority for the month ended 30 September 2016, be received and recorded in the Minutes of the Council, the summary of which is as follows:

FUND	PAID
Municipal Fund	\$ 22,455,194.20
Trust Fund	\$ 167,444.38
TOTAL:	<u>\$22,622,638.58</u>

BACKGROUND:

FILE REFERENCE: P1032265-58
REPORTING UNIT: Finance
RESPONSIBLE DIRECTORATE: Corporate Services
DATE: 7 October 2016
MAP / SCHEDULE: TRIM reference 181147/16 (Summary available on the Elected Members Portal)

The Committee recommendation to the Council for this report was resolved by the Finance and Administration Committee at its meeting held on 25 October 2016.

The Committee recommendation to the Council is the same as that recommended by the Officers.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation	Regulation 13(1) of the <i>Local Government (Financial Management) Regulations 1996</i>
Integrated Planning and Reporting Framework Implications	Strategic Community Plan Council Four Year Priorities: Capable and Responsive Organisation S18 Strengthen the capacity of the organisation.

COMMENTS:

Payments for the month of September 2016 included the following significant items:

- \$7,891,374.87 to the Department of Fire and Emergency Services for the emergency services levy first quarter contribution for 2016/17 and minor invoices in relation to call out fees.
- \$1,379,014.54 to the Western Australian Treasury Corporation for loan payments of \$541,200.68 for the Elder Street Carpark, \$560,574.81 for the Perth Convention and Exhibition Centre Carpark, \$32,774.82 for the Goderich Street Carpark and \$244,464.23 for the Perth City Library and Public Plaza.
- \$286,717.20 to the Perth Convention Bureau for sponsorship funding in the 2016/17 period.

ITEM NO: 13

FINANCIAL STATEMENTS AND FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 30 SEPTEMBER 2016

**FINANCE AND ADMINISTRATION (APPROVAL)
COMMITTEE
RECOMMENDATION:**

***That Council approves the Financial Statements and the
Financial Activity Statement for the period ended 30 September
2016 as detailed in Schedule 14.***

BACKGROUND:

FILE REFERENCE: P1014149-25
REPORTING UNIT: Finance
RESPONSIBLE DIRECTORATE: Corporate Services
DATE: 14 October 2016
MAP / SCHEDULE: Schedule 14 – Financial Statements and Financial
Activity Statement for the period ended 30 September
2016

The Committee recommendation to the Council for this report was resolved by the Finance and Administration Committee at its meeting held on 25 October 2016.

The Committee recommendation to the Council is the same as that recommended by the Officers.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation Section 6.4(1) and (2) of the *Local Government Act 1995*
Regulation 34(1) of the *Local Government (Financial
Management) Regulations 1996*

Integrated Planning and Reporting Framework Implications **Strategic Community Plan**
Council Four Year Priorities: Capable and Responsive Organisation
S18 Strengthen the capacity of the organisation.

DETAILS:

The Financial Activity Statement is presented together with a commentary on variances from the revised budget.

FINANCIAL IMPLICATIONS:

There are no direct financial implications arising from this report.

COMMENTS:

The Financial Activity Statement commentary compares the actual results for the three months to 30 September 2016 with the Annual Budget 2016/17 approved by Council at its meeting held on **28 June 2016** and budget adjustments adopted by Council at its meeting held on **30 August 2016**.

ITEM NO: 14

ANNUAL BUDGET 2016/17 – BUDGET ADJUSTMENT FOR THE IMPACT OF THE CITY OF PERTH ACT

**FINANCE AND ADMINISTRATION (APPROVAL)
COMMITTEE
RECOMMENDATION:**

That Council APPROVES BY AN ABSOLUTE MAJORITY:

- 1. the adjustment to the adopted 2016/17 Annual Budget to reflect the impact of the City of Perth Act as detailed in this report titled “Annual Budget 2016/17 – Budget Adjustment for the Impact of the City of Perth Act” and Schedule 15; and***
- 2. the payment of \$49,643 to the City of Subiaco for outstanding rates balances transferred.***

BACKGROUND:

FILE REFERENCE: P1032338
REPORTING UNIT: Financial Services
RESPONSIBLE DIRECTORATE: Corporate Services
DATE: 14 October 2016
MAP / SCHEDULE: Schedule 15 – Request for Budget Adjustment

The Committee recommendation to the Council for this report was resolved by the Finance and Administration Committee at its meeting held on 25 October 2016.

The Committee recommendation to the Council is the same as that recommended by the Officers.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation	Section 6.8 of the <i>Local Government Act 1995</i>
Integrated Planning and Reporting Framework Implications	Corporate Business Plan Council Four Year Priorities: Capable and Responsive Organisation S18 Strengthen the capacity of the organisation

Policy

Policy No and Name: 9.6 – Budget Variations

DETAILS:

The *City of Perth Act 2016* (the Act) came into effect on 1 July 2016. The Act expanded the City of Perth's boundaries resulting in the transfer of over 1,100 ratepayers from the Crawley/Nedlands area of Subiaco. The financial impact of the boundary change was not included in the approved 2016/17 Annual Budget due to the timing of the budget process.

Budgeting for the impact of the *City of Perth Act 2016*

The purpose of the budget adjustment is to reflect the initial impact of the Council boundary changes whilst still ensuring that the City of Perth's budget is accurate and relevant. When calculating the budget adjustment, the following issues were considered:

- The uncertainty in the cost of servicing the Crawley/Nedlands area after only three months of operation and the collection of relevant data;
- The City of Perth's performance against budget for the first three months of the financial year. The City's operating expenditure was significantly under budget;
- The timing of the City of Perth's budget review in January 2017; and
- The extent of expected capital expenditure is yet to be determined.

It was found that some approved operating budgets were sufficient to service the expanded City of Perth without the need for a budget adjustment. This was due to an under-spend on the approved budget for the year to date and efficiencies found within current operations. Other budgets where the proposed changes will be held over until the budget review to allow time to better understand the cost of servicing the South Ward.

The budget adjustment detailed in this report has therefore been prepared on the following basis:

- Rates and waste collection fees budgets have increased to reflect the rates notices issued to Crawley/Nedlands ratepayers;
- On street parking fees and parking fines budgets have not been adjusted due the uncertainty in accurately forecasting based on limited data. Actual revenue for the year to date for parking fees and fines has also been trending below budget and as a result no adjustment for the Crawley/Nedlands area will be made at this time. In total, these two income items will be adjusted down at the January budget review after incorporating the additional revenue earned in the Crawley/Nedlands area;
- The salaries and wages budget has been adjusted to reflect the increased headcount required to service the Crawley/Nedlands area. Contract labour increases have also been reflected;
- The maintenance budget has not been adjusted as actual expenditure in this area is trending below budget and so there is sufficient budget available to incorporate servicing of the Crawley/Nedlands area;
- Other operating costs have only been adjusted where there is no available budget for a specific item; and

- A budget adjustment has been made for the program of Capital works identified as urgent priorities.

It should be noted that the servicing of some assets in the area transferred are below the service level normally associated with the City of Perth. As a result of this, it is expected that maintenance expenditure and capital expenditure will increase in future years as these assets are fully incorporated into the City of Perth's Asset Management Planning and they are maintained at a levels appropriate for the City or replaced.

FINANCIAL IMPLICATIONS:

The impact to the adopted 2016/17 budget is as follows are as follows:

Revenue	\$2,279,855
Operating Expenditure	\$ 626,370
Capital Expenditure	\$1,001,848

Refer to Schedule 15 for the budget adjustments required.

In addition to the above, the City of Perth has agreed to reimburse the City of Subiaco for the outstanding rates balances of the ratepayers being transferred. The balance amounts to \$49,643 of which \$20,680 relates to deferred rates balance. The outstanding rates balances will be collected as part of the City of Perth's rates recovery activities.

COMMENTS:

The budget adjustment does not reflect the full impact of the *City of Perth Act 2016*. At the end of September 2016, the City of Perth had underspent its operating budget and to increase the budget with the full cost of servicing the Crawley/Nedlands area is therefore not required at this time. The Crawley/Nedlands area now forms part of the City of Perth and when incorporating these budget adjustments a whole of City view has been adopted to ensure the accuracy and integrity of the budget.

In addition to the costs detailed in this report, the City of Perth is in negotiation with the City of Subiaco on a number of matters.

ITEM NO: 15

NEW LEASE – COLONNADE AT 815 HAY STREET, PERTH – INTERCONTINENTAL HOTEL

**FINANCE AND ADMINISTRATION (APPROVAL)
COMMITTEE
RECOMMENDATION:**

That Council:

- 1. agrees to enter into a new Lease with UNIR Hotels Pty Ltd, over part Colonnade Lot 18, Diagram 46552 at 815 Hay Street, Perth under the Terms & Conditions detailed in Schedule 16;***
- 2. agrees to the advertising under Section 3.58 of the Local Government Act 1995, of the proposed new Lease Agreement; and***
- 3. notes that in the event that no submissions are received, authorises the Chief Executive Officer to finalise the Lease Agreement.***

BACKGROUND:

FILE REFERENCE:	P1021148
REPORTING UNIT:	Properties
RESPONSIBLE DIRECTORATE:	Construction and Maintenance
DATE:	12 September 2016
MAP / SCHEDULE:	Schedule 16 – Lease Terms & Conditions Colonnade 815 Hay St, Perth Schedule 17 – Map – Aerial Colonnade Location Colonnade 815 Hay St, Perth Schedule 18 – Map – Lease Plan Colonnade 815 Hay St, Perth Schedule 19 – Map – Artist Impression Frontage Colonnade 815 Hay St, Perth

The Committee recommendation to the Council for this report was resolved by the Finance and Administration Committee at its meeting held on 25 October 2016.

The Committee recommendation to the Council is the same as that recommended by the Officers.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation	Section 3.58 of the <i>Local Government Act 1995</i>
Integrated Planning and Reporting Framework Implications	Corporate Business Plan Council Four Year Priorities: Capable and Responsive Organization S18 Strengthen the capacity of the organization. IP33 Consider and develop opportunities for revenue diversification.

At its meeting held on **21 February 2012**, Council agreed to enter into an alfresco Dining Lease Agreement with Glory Business Ltd trading as Rydges Hotel Perth.

Since 25 June 1996, the Rydges Hotel Alfresco along Hay Street has been allocated along the colonnade at 815 Hay Street fronting the building and a small section south into King Street.

The lease is due to expiry on 30 November 2016 and the Lessee is seeking a new term.

DETAILS:

At the time of the lease renewal in February 2012, there was much discussion regarding the placement of the alfresco area along the building edge due to apparent conflict with the *Disability Discrimination Act 1992*. This conflict was resolved with the then Lessee and since then no complaints have been received by the City of Perth as to the on-going operation of the alfresco area.

This site is currently being developed as the new Intercontinental Hotel, and the developers have requested that the City of Perth to enter into a new alfresco lease, under the Lease Terms and Conditions on Schedule 16.

The proposed new lease shows an increased area from 122.7 square metres to 133 square metres, extending the King Street section by approximately four metres. Therefore, the new lease will be subject to the Lessee proportionally extending the awning, without affecting the street trees, to a minimum of 2.5 metres for safe pedestrian thoroughfare, under the City's alfresco dining policy. The proposed area is shown on Schedule 18.

The Lessee is responsible for obtaining the building permit from the City of Perth, and providing the satisfactory completion of the awning extension by the City of Perth, as per the 2016/1065 development proposal plan.

All other Terms and Conditions of the proposed new Lease are the same as the current agreement with Rydges Hotel.

FINANCIAL IMPLICATIONS:

The 2016/17 budget shows a proposed rental for the colonnade of \$15,550.

The City of Perth holds a current valuation showing the market rental to be \$34,000. The Lessee has agreed to this rental.

All costs associated with the installation, including disability signage, and ongoing maintenance costs are to be borne by the Intercontinental Hotel.

Legal costs will be borne by the Lessee.

All figures quoted in this report are exclusive of GST.

COMMENTS:

The past alfresco area at this location has operated successfully for 20 years and has been a well utilised area by the public.

The new proposed alfresco to be incorporated into the Intercontinental Hotel will further enhance this part of the City.

The proposal is supported.

ITEM NO: 16

HERITAGE PERTH INCORPORATED – REVISED THREE YEAR FUNDING AGREEMENT AND REQUEST FOR ADDITIONAL OPERATING FUNDING

**FINANCE AND ADMINISTRATION (APPROVAL)
COMMITTEE
RECOMMENDATION:**

That Council:

- 1. approves Heritage Perth Incorporated's request for confirmation of the annual operating budget from the City of Perth of \$30,000 per annum normally allocated through the City of Perth annual budget process;***
- 2. approves Heritage Perth Incorporated's request for an additional contribution of \$11,000 per annum for staff increments and professional development;***
- 3. revises the existing Funding Agreement between the City of Perth and Heritage Perth Incorporated, as detailed in Confidential Schedule 20, dated 22 April 2015 as follows:***
 - 3.1 to expire at the end of the 2017/18 financial year, for ease of financial acquittal;***
 - 3.2 to extend the employment of the Executive Director and Executive Officer to the end of the current Funding Agreement, and to state the full and correct value of employment costs associated with the partnership, detailed in Confidential Schedule 21;***
 - 3.3 to amend the employment, acquittal, program and project clauses as proposed; and***
 - 3.4 to reflect the additional funding approved under part 1 above, with the following conditions:***

(Cont'd)

- a. ***the revised Funding Agreement must require Heritage Perth Incorporated to provide an acquittal report at the end of each financial year outlining expenditure;***
 - b. ***the additional funding approved in part 1 above must not be provided until the revised Funding Agreement required under part 2 above has been executed by both the City of Perth and Heritage Perth Incorporated;***
- 4. authorises the Chief Executive Officer to:**
- 4.1 finalise the details of the revised Funding Agreement as noted in part 2 above;**
 - 4.2 in accordance with Section 9.49A of the Local Government Act 1995, sign the revised Funding Agreement with Heritage Perth Incorporated on behalf of the City of Perth; and**
- 5. notes that the Chief Executive Officer will present the final draft agreement to the Elected Members for information prior to execution.**

BACKGROUND:

FILE REFERENCE: P1024313
REPORTING UNIT: Art Culture and Heritage
RESPONSIBLE DIRECTORATE: Economic Development and Activation
DATE: 8 April 2016
MAP / SCHEDULE: Confidential Schedule 20 – Funding Agreement between the City of Perth and Heritage Perth (22 April 2015)
Confidential Schedule 21 – Employment Costs Breakdown
Confidential Schedule 22 – Acquittal Document 2015/2016 and Audited Accounts

(Confidential Schedules have been distributed to Elected Members under separate cover)

The Committee recommendation to the Council for this report was resolved by the Finance and Administration Committee at its meeting held on 25 October 2016.

The Committee recommendation to the Council is the same as that recommended by the Officers.

Heritage Perth was incorporated on 19 January 2009 under the *Associations Incorporation Act 1987*. It is an independent, constituted and not-for-profit incorporated association whose primary objective is to support the conservation and interpretation of Perth's heritage and encourage a culture that values and celebrates this.

Since the incorporation of Heritage Perth, the City of Perth has provided significant funding to assist the association in the fulfilment of its objective. Recently, this has occurred through the City's annual budget process as shown in Table 1 below.

On 22 April 2015, the City of Perth and Heritage Perth entered into a Funding Agreement (the Agreement) for the period 22 April 2015 to 21 April 2018 (refer to Confidential Schedule 20).

It is noted that Heritage Perth may also apply for funding for additional projects and initiatives (such as Heritage Days), which are now managed through the City of Perth's Business Support and Sponsorship unit and negotiated under separate sponsorship agreements.

The annual review of the Agreement, as part of the acquittal process (refer to Confidential Schedule 22), has identified the opportunity to bring together into one agreement all elements of the City's core funding of Heritage Perth Incorporated, as well as to amend some anomalies in the agreement in line with recent legal advice.

Additionally, on 7 April 2016, Heritage Perth wrote to the City of Perth requesting additional funding and for Heritage Perth staff employment contracts to be extended to align with the period of the Agreement. It is noted that requests such as these would ordinarily have been addressed through the City of Perth's annual budget process and not currently in the Funding Agreement.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation	<i>Local Government Act 1995</i> <i>Associations Incorporated Act 1987</i>
Integrated Planning and Reporting Framework Implications	Strategic Community Plan Council Four Year Priorities: Capable and Responsive Organisation S18 Strengthen the capacity of the organisation.

DETAILS:

The Funding Agreement outlines the City of Perth's financial commitment to Heritage Perth Incorporated in the form of salaries and other benefits for Heritage Perth's Executive Director and the Executive Officer. The Agreement also identifies projects that meet the City of Perth's priorities as identified in the adopted Heritage Perth Business Plan.

The Agreement also provides clear governance structures between the two organisations. It currently does not include annual administration costs, which to date

have been provided via the budget process, as a portion of Heritage Perth's total Annual Funding, and shown in Table 2 below.

The expiry of the Executive Officer's employment contract, and the annual review of the Agreement as part of the acquittal process, have identified an opportunity to combine into one agreement all elements of the City of Perth's core funding of Heritage Perth Incorporated to reflect the full and correct value of the partnership (excluding annual project funding as stated above), as well as to amend some anomalies in the Agreement in line with recent legal advice obtained by the City of Perth.

This is consistent with direction provided by Council that the full and true value of partnerships of this nature is made fully transparent through the Council reporting process.

On 7 April 2016, Heritage Perth Executive Director wrote to the City requesting increased funding to support Heritage Perth's operational costs, consumer price index changes and staff professional development costs, and reiterated the request for Heritage Perth staff employment contracts to be extended to align with the period of the Agreement.

The City of Perth is moving in a new strategic direction and is reevaluating its vision and objectives for arts, culture and heritage in Perth as a capital city. A key element of this new direction is working more collaboratively and transparently with all partners and stakeholders, including Heritage Perth.

Officers have worked through the details of Heritage Perth's salary and operating funding request sent on 7 April 2016 and has clarified the true and correct value of the partnership. Details are outlined in Table 3 below.

Officers have also obtained recent legal advice to do with adjustments to the employment, acquittal, program and project clauses of the Agreement. These amendments will help to clarify the relationship between the two parties, particularly within the context of the City of Perth's strategic direction, and Heritage Perth's abovementioned requests.

The key driver of reviewing the Agreement is not only to clarify funding and employment arrangements for the next two years, but also to foster more effective collaboration and sharing of resources moving forward, while still honouring the autonomy of Heritage Perth as an independent, constituted, not-for-profit incorporated association.

Table 1 – *Total Annual Funding provided through the annual budget process*

Financial Year	Amount
2012/13	\$437,577
2013/14	\$437,577
2014/15	\$570,910

Of which, the following has been allocated to operational and administration costs:

Table 2 – Funding provided to cover operational and administration costs (also through the annual budget process)

Financial Year	City Contribution	Mechanism
2010/11	\$28,617	City paid supplier invoices on behalf of Heritage Perth
2011/12	\$21,978	City paid supplier invoices on behalf of Heritage Perth
2012/13	\$26,481	City paid supplier invoices on behalf of Heritage Perth
2013/14	\$26,192	City paid supplier invoices on behalf of Heritage Perth
2014/15	\$28,008	Lump sum funding from the City to Heritage Perth
2015/16	\$30,000	Lump sum funding from the City to Heritage Perth

Table 3 – Funding Under Current Agreement, including proposed revisions

Current/ Revised Funding	Purpose for which City's Funding is to be provided	Amount
Current	Salary and benefits for Executive Officer for a 12 month period commencing on the Executive Officer's first day of employment	*Confidential (refer to Confidential Schedule 20)
Current	Salary and benefits for the Executive Director for the period commencing 29 October 2014 and ending on 30 June 2015	*Confidential (refer to Confidential Schedule 20)
Current	Smartphone Application Project	\$70,000
Current	Education Portal Project	\$50,000
Current	Printed Education Material Project	\$40,000
Current	Market Research Project	\$25,000
Current	Contingency	\$15,000
Current	SUBTOTAL (Current Agreement)	\$398,000
Revised	Salary and benefits for Executive Officer from 1 July 2016 – 30 June 2018	*Confidential (refer to Confidential Schedule 21)
Revised	Salary and benefits for Executive Director from 1 July 2015 – 30 June 2018	*Confidential (refer to Confidential Schedule 21)
Revised	Administrative costs from 1 July 2016 - 30 June 2018	\$60,000

Current/ Revised Funding	Purpose for which City's Funding is to be provided	Amount
Revised	Additional Funding Request (Administrative costs, and staff professional development costs) from 1 July 2016 - 30 June 2018	\$22,000
Revised	Office accommodation, printer access, computer, internet access and telephone access for Heritage Perth Staff for the period commencing 22 April 2015 and ending 30 June 2018.	(in-kind value approx. \$30,000)
Revised	SUBTOTAL (Proposed Revised Agreement)	\$563,300 (excluding in-kind)
	SUBTOTAL (Proposed Revised Agreement)	\$593,300 (including in-kind)
TOTAL FUNDING 2015-2018 (excluding in-kind)		\$961,300
TOTAL FUNDING 2015-2018 (including in-kind)		\$991,300

FINANCIAL IMPLICATIONS:

ACCOUNT NO:	CL 15A86000
BUDGET ITEM:	Heritage Perth
BUDGET PAGE NUMBER:	TBC
ORIGINAL BUDGETED AMOUNT:	\$428,000 (2015/16 financial year)
AMOUNT SPENT TO DATE:	\$398,000 (29 October 2014 to date)
PROPOSED ADDITIONAL COST:	\$563,300 (over two year period 2016 to 2018)
TOTAL NEW BUDGETED AMOUNT:	\$961,300 (over three year period 2015 to 2018)

All figures quoted in this report are exclusive of GST.

It is noted that additional projects that the City of Perth has approved funding for are not detailed in the funding agreement, including the City of Perth's annual funding contribution of \$100,000 to Heritage Perth Days, and \$200,000 for the up-lighting of His Majesty's Theatre. These projects have had separate funding agreements in the past and will be handled through separate sponsorship grants distributed via Business Support and Sponsorship moving forward.

COMMENTS:

The majority of additional funding is in salaries for the Executive Director and Executive Officer of Heritage Perth, which are intrinsically committed to in the body of the Agreement, but not explicitly committed to in the funding schedule of the Agreement.

A full review of the funding Agreement, and discussions about funding beyond End of Financial Year 2018, will commence no later than June 2017, to ensure a robust, sustainable and mutually beneficial arrangement is reached.

The recommendation and funding request is based on the annual review of the Funding Agreement and Acquittal, and is an outcome of the City of Perth Administration's commitment to continuous improvement of its business practices.

ITEM NO: 17

MINDARIE REGIONAL COUNCIL – PROPOSED AMENDMENTS TO CONSTITUTION

**FINANCE AND ADMINISTRATION (APPROVAL)
COMMITTEE
RECOMMENDATION:**

That Council

- 1. endorses the amendments to the Mindarie Regional Councils “Regional District and Regional Council Constitution Agreement” as detailed within this report titled “Mindarie Regional Council – Proposed Amendments to Constitution”;***
- 2. endorses the City of Perth to be a participant of the Eastern Metropolitan Regional Council tender for the provision of Waste to Energy services, noting that the City of Perth does not commit any volumes of waste; and***
- 3. authorises the Lord Mayor and the Chief Executive Officer to apply the Common Seal of the City of Perth to the amended Constitution.***

BACKGROUND:

FILE REFERENCE: P1011112-32
REPORTING UNIT: Waste and Cleansing
RESPONSIBLE DIRECTORATE: Construction & Maintenance
DATE: 21 June 2016
MAP / SCHEDULE: Schedule 23 – Correspondence from the Mindarie Regional Council dated 29 April 2016

The Committee recommendation to the Council for this report was resolved by the Finance and Administration Committee at its meeting held on 25 October 2016.

The Committee recommendation to the Council is the same as that recommended by the Officers.

The Waste Authority released its new waste strategy entitled “Western Australian Waste Strategy ‘Creating the Right Environment’” (the Strategy) in March 2012. The

Strategy placed obligations on local government to reduce its reliance on landfill as a solution for Municipal Solid Waste (MSW) and set targets for it to do so as follows:

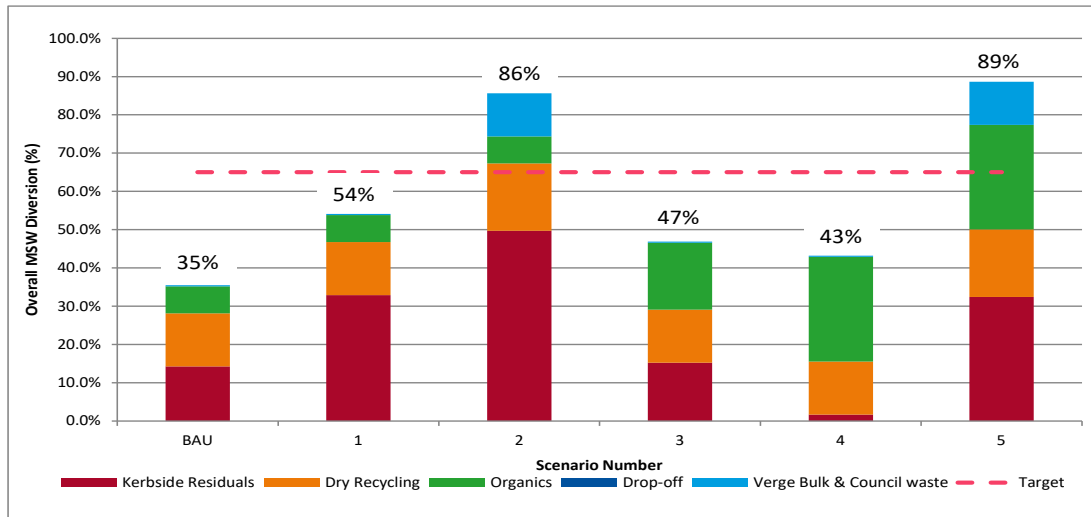
“Municipal Solid Waste Sector Targets

- *50% diversion from landfill of material presented for collection in the metropolitan region by 30 June 2015 (metropolitan region recovery in 2009/10 was 36%)*
- *65% diversion from landfill of material presented for collection in the metropolitan region by 30 June 2020.”*

Together with the Mindarie Regional Council (MRC) the member councils engaged consultants, Hyder Consulting Pty Ltd, to develop a study of alternative waste management solutions that would ensure that the diversion rates set by the Waste Authority were met. Hyder prepared a report entitled “Infrastructure Options Assessment” (the Report) that has been generally accepted by the MRC and its member councils. Part 4 of the report addresses different models to manage MSW as detailed in the following table:

Scenario	Description
Business as usual	Existing arrangements regarding Neerabup RRF and landfill continue, with Stirling & Cambridge’s garden organics (GO) sent to a separate compost facility, and residual waste from any processing is sent to landfill
Scenario 1 2 bin system, second MBT	Collection systems as in BAU, all general waste goes to MBT – either Neerabup RRF or a second MBT, only residuals from the MBT’s go to landfill
Scenario 2 2 bin, EfW	Collection systems as in BAU, existing flows of general waste to Neerabup RRF continue and remainder goes to an EfW facility (including bulk waste, MBT and MRF residuals)
Scenario 3 - 3 bin – residual to Neerabup, GO separately	All councils implement a greenwaste bin, with collected material open-windrow composted. All general waste would be processed via Neerabup RRF. Remaining material would go to landfill.
Scenario 4 3 bin – residual to LF	All councils have a third bin, Stirling for greenwaste only, all other councils collect all organics (including garden, food, nappies, contaminated paper etc) in the third bin for processing at Neerabup RRF and residuals go to landfill.
Scenario 5 3 bin residuals to EfW	All councils have a third bin, Stirling greenwaste only, all other councils collect all organics (including garden, food, nappies, contaminated paper, etc) in the third bin to be processed at Neerabup RRF with all residuals to energy from waste (including bulk waste and MRF residuals)

Each of the scenarios were tested against the Waste Authority’s targets with only two demonstrating the ability to meet the targets as shown in the table below.



The MRC and the member councils have developed the scenarios further and the MRC has formally endorsed the concept of a Waste Precinct. The Waste Precinct includes the development of a sorting shed (for bulk verge waste), municipal recycling facility (yellow top bin) and a waste to energy facility (for the green and/or red top bins). It is likely that the facilities will be constructed in close proximity to the existing Resource Recovery Facility in the Neerabup Industrial Estate in the City of Wanneroo.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Part XXIX - Regional Councils of the *Local Government Act 1960* (Repealed)
 Schedule 9.3; Division 1; Clause 10 of the *Local Government Act 1995* (Transitional Provisions)

Integrated Planning and Reporting Framework Implications

Strategic Community Plan

Council Four Year Priorities: Capable and Responsive Organisation
 S18 Strengthen the capacity of the organisation

DETAILS:

The MRC has endorsed the Hyder Report and the concept of the Waste Precinct and has set aside funding in its 2016/17 draft budget for the initial stages of various projects associated with the Waste Precinct.

The MRC intends to fully test the market by openly tendering each of the projects.

The Eastern Metropolitan Regional Council (EMRC) has issued a tender for Waste to Energy services and has opened the tender up to the MRC. This invitation allows the MRC member council to participant in two ways.

1. Commit to the tender as a participant, but not commit any waste; or
2. Commit to the tender as a participant and commit the specified waste stream.

The City of Perth collects between 13,000 and 14,000 tonnes of general/landfill waste per annum. 60% of these volumes are from Commercial collections.

The EMRC tender is for 20 years and with the changing dynamics of the commercial market it is considered not viable to commit any waste volumes.

The tender will be flexible so as to obtain the strongest responses possible from the market. It is possible that the locations of facilities that are nominated by a tenderer could be outside the MRC Region.

In correspondence dated 29 April 2016 (refer to Schedule 23), the MRC indicated that, based on advice from its solicitors, the current constitution would potentially prevent the MRC from accepting tenders that responded with the facilities being on land the tenderers owned, the facility was non-MRC controlled and/or outside the MRC region.

Included in the correspondence was a proposed Deed of Variation to the Constitution that would resolve this issue. The Deed includes an amendment to clauses 5.1(a) and 5.1(b) as follows:

“Clause 5.1(a):

At the end of clause 5.1(a) insert the words ‘or such other building or place as agreed from time to time between the regional council and all municipalities’.

Clause 5.1(b):

At the end of clause 5.1(b), insert the words ‘or such other building or place as agreed from time to time by the parties to the contract’.

The correspondence goes on to request each of the member councils’ to support this minor amendment.

The existing Constitution was been established under the *Local Government Act 1960* and as such it is in need of replacement. The MRC is currently establishing a new Constitution Establishment Agreement that will be more effectively established under the current *Local Government Act 1995*.

FINANCIAL IMPLICATIONS:

There are no City of Perth financial implications associated with this report.

The MRC will be responsible for contributing to some costs for the EMRC tender preparation and presentation.

COMMENTS:

An amendment to the Constitution entitled “Regional District and Regional Council Constitution Agreement” requires agreement of seven local governments (constituent municipalities) to agree to the changes before being sent on to the Minister for Local

Government for approval. The seven constituent municipalities are the Cities of Wanneroo, Joondalup, Stirling, Perth and Vincent and the Towns of Victoria Park and Cambridge.

ITEM NO: 18

LIBRARY BOARD OF WESTERN AUSTRALIA - CITY OF PERTH REPRESENTATIVE

**FINANCE AND ADMINISTRATION (APPROVAL)
COMMITTEE
RECOMMENDATION:**

That Council nominate _____ , _____ , and _____ as the City of Perth Elected Member representatives for consideration by the Minister for Culture and the Arts for appointment to the Library Board of Western Australia for a period of four years with a term commencing 9 February 2017

BACKGROUND:

FILE REFERENCE: P1030366 and P1008671-2
REPORTING UNIT: Executive Support
RESPONSIBLE DIRECTORATE: Chief Executive
DATE: 5 October 2016
MAP / SCHEDULE: Schedule 24 – Correspondence from the State Library of Western Australia dated 16 September 2016

The Committee recommendation to the Council for this report was resolved by the Finance and Administration Committee at its meeting held on 25 October 2016.

The Committee recommendation to the Council is the same as that recommended by the Officers.

At its meeting held on **9 October 2012**, Council resolved to nominate Cr Janet Davidson (Cr Davidson) for consideration by the Minister for Culture and the Arts as the City of Perth Elected Member representative on the Library Board of Western Australia. Cr Davidson was subsequently appointed to the Board by the Minister. Cr Davidson is a former Chairman of the Board and has served as a member since 2001.

The State Library of Western Australia has advised in correspondence dated 16 September 2016 (refer to Schedule 24) that Cr Davidson's appointment to the Board is due to expire on 8 February 2017, however has requested advice from the City of Perth by 30 October 2016. The State Library has agreed to receive the City of Perth's nomination after consideration by the Council at its meeting scheduled to be held on **1 November 2016**.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation Section 5 of *the Library Board of Western Australia Act 1951*

Integrated Planning and Reporting Framework Implications **Corporate Business Plan**
Council Four Year Priorities: Living in Perth
S12 Provide facilities to cater for the growth of the residential community

Policy

Policy No and Name: 10.1 – Code of Conduct

DETAILS:

Section 5 of the *Library Board of Western Australia 1951* (the Act) provides that the Board shall consist of 13 members including City of Perth representation.

The Act prescribes the nomination process which requires the City of Perth to put forward a panel of three persons to be submitted to the Minister. The Minister then selects one of the persons to be the member of the Board for the purposes of representing the City of Perth.

Council Policy 10.1 – Code of Conduct includes specific guidance for Elected Members appointed to external organisations as representatives of the City as follows:

“5.9 Appointments to External Organisations

Elected Members representing the Council on external organisations are to ensure that they:

- (a) clearly understand the basis of their appointment;*
- (b) provide regular reports on the activities of the organisation in accordance with the confidentiality requirements of that organisation; and*
- (c) represent the Council’s interests on all matters relating to that organisation, whilst maintaining the confidentiality requirements of the City.”*

FINANCIAL IMPLICATIONS:

There are no financial implications relating to this report.

COMMENTS:

Nomination of City of Perth representation to the Library Board of Western Australia is a statutory obligation for the City. Council is therefore required to put forward its nomination of three persons, noting that Cr Davidson is eligible for reappointment to the Board at the Minister’s discretion.

ITEM NO: 19

APPOINTMENT OF DOG EXERCISE AREAS – DOG ACT 1976

**FINANCE AND ADMINISTRATION (APPROVAL)
COMMITTEE
RECOMMENDATION:**

That Council;

- 1. in accordance with Section 31, Clause 3A of the Dog Act 1976: approves by AN ABSOLUTE MAJORITY, that Wellington Square, Totterdell Park and J H Abrahams Reserve, detailed in Schedule 25, to be dog exercise areas;***
- 2. in accordance with Section 31, Clause (2B) (a) of the Dog Act 1976: approves by AN ABSOLUTE MAJORITY, that the south side of Heirisson Island inside the kangaroo enclosure, detailed in Schedule 25, be an area where dogs are prohibited at all times; and***
- 3. notes that Wellington Square, Totterdell Park and J H Abrahams Reserve and Heirisson Island are under the care, control and management of the City of Perth.***

BACKGROUND:

FILE REFERENCE: P1032980-2
REPORTING UNIT: Community Amenity and Safety
RESPONSIBLE DIRECTORATE: Community and Commercial Services
DATE: 5 September 2016
MAP / SCHEDULE: Schedule 25 – Dog Exercise Areas

The Committee recommendation to the Council for this report was resolved by the Finance and Administration Committee at its meeting held on 25 October 2016.

The Committee recommendation to the Council is the same as that recommended by the Officers.

The City of Perth has traditionally had dog exercise areas at Wellington Square and Totterdell Park. The use of these locations as dog exercise areas has caused no adverse concerns nor has there been any complaints received. Historically the City has also prohibited dogs on the south side of Heirisson Island within the boundaries of the kangaroo enclosure.

As a result of the *City of Perth Act 2016*, the City of Perth has acquired a new dog exercise area, being J H Abrahams Reserve in Nedlands. Also, as a result of recent changes to the *Dog Act 1976* the Council is required to formally declare land or a reserve under its care and control as a dog exercise area or as an area where dogs are prohibited at all times.

The *Dog Act 1976* makes provision that when in a public place a dog shall be under control and be held and, or, tethered. A dog is exempt from this provision if the dog is within a dog exercise area.

The purpose of this report is to obtain Council approval for the appointment of the three reserves within the City of Perth boundaries as designated dog exercise areas and one portion of one reserve where dogs are prohibited at all times as a result of the *City of Perth Act 2016* and changes to the *Dog Act 1976*.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation	Section 31, Clause 3A of the <i>Dog Act 1976</i> ; and Section 31, Clause 2B(a) of the <i>Dog Act 1976</i>
Integrated Planning and Reporting Framework Implications	Strategic Community Plan Council Four Year Priorities: Capable and Responsive Organisation S18 Strengthen the capacity of the organisation

DETAILS:

To facilitate the changes to the *Dog Act 1976* the Council needs to agree by an absolute majority the three areas where dogs may be exercised off lead and one area where dogs are prohibited at all times as detailed in Schedule 25.

FINANCIAL IMPLICATIONS:

There are no direct financial implications as a result of this report.

ITEM NO: 20

REVIEW COMPLETED – CITY OF PERTH PARKING LOCAL LAW 2010 (AMENDED 2015) – REPEAL AND REPLACE

**FINANCE AND ADMINISTRATION (APPROVAL)
COMMITTEE
RECOMMENDATION:**

That Council:

- 1. in accordance with Section 3.16(3) of the Local Government Act 1995, notes that no submissions were received during the public submission period in response to the review of the City of Perth Parking Local Law 2010;***
- 2. in accordance with Section 3.16(4) of the Local Government Act 1995, receives this report to complete the review of the City of Perth Parking Local Law 2010 and determines, BY AN ABSOLUTE MAJORITY, to repeal this local law, as detailed in Schedule 26;***
- 3. approves in accordance with Section 3.12(3) of the Local Government Act 1995, the giving of State-wide public notice of the intention to make the City of Perth Parking Local Law 2016, as detailed in Schedule 29, with the purpose and effect being:***
 - 3.1 Purpose: The purpose of this local law is to provide for the management and regulation of parking within the district;***
 - 3.2 Effect: The effect of this local law is to manage parking throughout the district to ensure safe, fair and equitable use and access of parking facilities under the care and management of the local government.***

BACKGROUND:

FILE REFERENCE:	P1010030-6
RESPONSIBLE UNIT:	Governance
RESPONSIBLE DIRECTORATE:	Corporate Services
DATE:	5 October 2016
MAP / SCHEDULE:	Schedule 26 – <i>City of Perth Parking Local Law 2010</i> (to be repealed) Schedule 27 – Comparison of changes Schedule 28 – Comparison of modified penalties Schedule 29 – Proposed <i>City of Perth Parking Local Law 2016</i>

The Committee recommendation to the Council for this report was resolved by the Finance and Administration Committee at its meeting held on 25 October 2016.

The Committee recommendation to the Council is the same as that recommended by the Officers.

At its meeting held on **14 December 2010**, Council resolved to make the *City of Perth Parking Local Law 2010* as follows:

“Purpose: To provide for the regulation, control and management of parking within the district;

Effect: To control parking within the city and ensure safe, fair and equitable use of parking facilities under control of the City of Perth”

The *City of Perth Parking Local Law* was published in the Government Gazette on 15 February 2011 and its subsequent commencement on 1 March 2011.

The following indicates the history of amendments to the local law:

- Council, at its meeting held on **27 April 2011**, approved the giving of undertakings raised by the Joint Standing Committee on Delegated Legislation (JSCDL) to address the issues in relation to the local law; otherwise the JSCDL would propose to move a disallowance motion in the Legislative Council.
- Subsequent to the above undertakings, correspondence received by the JSCDL requiring Council to provide further undertakings which was approved on **7 June 2011**.
- As a result, Council, at its meeting held on **6 December 2011**, resolved to make the *City of Perth Parking Amendment Local Law 2011* which gave effect to all the required undertakings.
- Council, at its meeting held on **6 August 2013** resolved to make the *City of Perth Parking Amendment Local Law 2013* to address minor drafting issues and increase modified penalties in regards to clearways.
- Council, at its meeting held on **24 February 2015**, resolved to make *the City of Perth Parking Amendment Local Law 2015*. This reflects amendments to the *Local Government (Parking for Disabled Persons) Regulations 2014* (effective

from 1 December 2014) and amendments to the *Road Traffic Code 2000* in regards to parking for people with disabilities. This amendment also prescribed an increase to penalties in relation to parking offences which caused disruption to traffic flows and inconvenience to members of the public and an increase to all other penalties that had not been adjusted in 11 years.

The amendment local laws as indicated above, together with the originally made local law (*City of Perth Parking Local Law 2010*), constitute the Principal Local Law.

As part of the City's continuous review and improvement of local laws, there have been a number of factors identified within the Principal Local Law affecting its application and interpretation in the contemporary environment. This includes the recent introduction of the *City of Perth Act 2016* and the changes to the boundaries of the City of Perth and the City of Subiaco impacting on the enforcement of the City's local laws.

Advice received from the Department of Local Government and Communities (DLGC) has indicated that as the Principal Local Law is currently split into four pieces of legislation, Council should, upon its next review of the local law, consider repealing the Principal Local Law and replacing it with a new version.

Section 3.12 of the *Local Government Act 1995* details the procedure for making new local laws as follows:

- Council is to approve the giving of State-wide public notice of the intention to make a local law or to review an existing local law. The public notice is to include the purpose and effect of the local law, inspection details and advice regarding the six week public submission period;
- As soon as the public notice is given, the City is to provide a copy of the proposed local law to the Minister of Local Government and Communities, and any other relevant Ministers to which the local law relates and to any person requesting a copy;
- After the last day for submissions, Council is required to consider any submissions received and may resolve by an absolute majority decision to make the local law, or to make a local law that is not significantly different from the proposed local law as advertised;
- If adopted, the City will subsequently be required to undertake the following to finalise this process:
 - Publish the local law in the *Government Gazette*;
 - Provide a copy of the relevant document to the Joint Standing Committee on Delegated Legislation 10 days after its publication in the *Government Gazette*;
 - Provide a copy of the *Gazette* to the Minister for Local Government and Communities and any other relevant Minister; and
 - Publish a local public notice advising the title of the local law, its purpose and effect, the day on which it becomes effective and advising that it may be inspected at the local government's offices.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation Sections 3.12 and 3.16 of the *Local Government Act 1995*
City of Perth Parking Local Law 2010

Integrated Planning and Reporting Framework Implications **Strategic Community Plan**
Council Four Year Priorities: Capable and Responsive Organisation
S18 Strengthen the capacity of the organisation.

DETAILS:

On 16 May 2016, the City issued a state-wide notice for its intention to review the *City of Perth Parking Local Law 2010*. At the close of submissions on 1 July 2016, no submissions from the public had been received in regards to the review of *City of Perth Parking Local Law 2010*.

An internal review of the local law was also conducted that identified a number of required changes. The main drafting changes are outlined below:

- The interchangeable use of the terms “Council”, “City” or “local government” have been addressed within the local law and it is proposed to use the term “local government” to address delegation permissions, (subject of advice from the DLGC and JSCDL) which will be applied consistently to all of the City of Perth local laws.
- The discrepancies between the *City of Perth’s Parking local law 2010* and the *City of Subiaco’s Parking Facilities Local Law 1999 (Amended 2016)* in regards to parking on any verge unless indicated by a sign.
- Amendments to re-order clauses so that they now align with the relevant parts within the local law.
- Amendments to a number of definitions to ensure they align with the *Road Traffic Code 2000* and updated legislation where applicable.
- The inclusion of “school zone” parking provisions to provide a higher deterrent for safety and congestion reasons within these areas.
- Inclusion of low clearance signs provisions as an appropriate deterrent for vehicles which are above the specified height requirements.

Legal advice was also sought in relation to the review of the Parking Local Law 2010, with this advice being considered as part of its development to avoid any risk of future disallowance by the JSCDL.

A detailed comparison of changes between the Principal Local Law and the proposed Parking Local Law 2016 is indicated in Schedule 27.

Modified Penalties

The majority of Modified Penalties detailed in “Schedule 2” of the Principal Local Law have been carried over into the proposed offences within the draft City of Perth Parking Local Law 2016. There are also proposed new penalties that align with new

clauses in the local law and some existing penalties proposed for increases to ensure appropriate deterrents.

New penalties in relation to illegally parked vehicles within school zones during school hours, are proposed to provide greater deterrent with an emphasis on safety and reducing congestion. These penalties are all proposed to be \$25 more than similar penalties issued outside school zones.

A new penalty in relation to low clearance signs and vehicles driving through, or past, low clearance signs has been proposed to provide greater deterrent in relation to safety and property damage that occurs in relation to facilities with these signs.

A proposed increased penalty for the removal of vehicles in parking stations from \$100 to \$200 to provide greater deterrent for infringements related to safety and property damage.

The comparison between the Modified Penalties of the existing Principal Local Law and the proposed new local law is detailed in Schedule 28.

Risk Management Implications

It is noted that should the City of Perth not follow the local law creation process as detailed in the *Local Government Act 1995*, the local law may be disallowed by the JSCDL. The local law must also be cognisant of previous findings of the JSCDL, specifically with regard to provisions that the JSCDL has stated are outside the local law making power of local governments

FINANCIAL IMPLICATIONS:

Costs of approximately \$2,000 will be incurred for the Public Notice and gazettal of the local law. These costs will be met through existing operating budgets.

All amounts quoted in this report are exclusive of GST.

COMMENTS:

In accordance with Section 3.12(3) of the *Local Government Act 1995*, it is recommended that Council resolves to repeal the *City of Perth Parking Local Law 2010* and in accordance with Section 3.12(3) of the *Local Government Act 1995*, give state-wide public notice of its intention to make the proposed City of Perth Parking Local Law 2016 as detailed in Schedule 29.

WORKS AND URBAN DEVELOPMENT COMMITTEE REPORTS

ITEM NO: 21

MOUNT STREET BRIDGE NODE ENHANCEMENT

WORKS AND URBAN DEVELOPMENT COMMITTEE (APPROVAL)
RECOMMENDATION:

That Council:

- 1. approves the draft concept plan for the upgrade of Mount Street Bridge Node as detailed in this report and Schedule 30 and Schedule 31;***
- 2. approves the release of the draft concept plan for consultation with stakeholders;***
- 3. notes that the results of the stakeholder consultation, together with the final plans and cost estimate for progressing the physical works will be presented to the Works and Urban Development Committee for further consideration.***

BACKGROUND:

FILE REFERENCE: P1033195
REPORTING UNIT: Co-ordination & Design
RESPONSIBLE DIRECTORATE: Planning and Development
DATE: 6 October 2016
MAP / SCHEDULE: Schedule 30 – Analysis
Schedule 31 – Concept

The Committee recommendation to the Council for this report was resolved by the Works and Urban Development Committee at its meeting held on 18 October 2016.

The Committee recommendation to the Council is the same as that recommended by the Officers.

In February 2015, the existing water fountain at the centre of the landscape node at the base of the Mount Street pedestrian bridge was decommissioned due to ongoing technical failure.

This report provides details on the draft concept plan and proposed construction program for the upgrade of Mount Street Bridge Node.

LEGISLATION / STRATEGIC PLAN / POLICY:

Integrated Planning and Reporting Framework Implications

Strategic Community Plan

Council Four Year Priorities:

Perth as a Capital City

S5 Increase place activation and use of under-utilised space

DETAILS:

Mount Street Bridge Node is situated on the eastern end of the pedestrian bridge that spans the Mitchell Freeway, linking the CBD to Kings Park at all times of the day.

The proximity of numerous hotels in the vicinity makes this an important link into the city. Key development sites in this area, including the recent relocation of Channel 9 and Capital Square which is currently under construction, will contribute towards the increasing vibrancy of the western end of the city.

The proposed upgrade of the landscape node at the base of the bridge will reinforce this important link and enhance way-finding to and from the city.

Mount Street Bridge Node

Issues

The following issues have been identified as being in need of particular attention in the Mount Street Bridge Node:

- significant views from St Georges Terrace to the bridge is currently obscured by tall shrubs;
- the view from Mount Street to the bridge is also terminated and obscured by parked vehicles;
- tall shrubs currently obscure sight lines for cyclists and pedestrians entering and existing the bridge;
- insufficient lighting results in lack of night time character;
- lack of way finding functionality – day and night; and
- decommissioned water feature leaves an uninviting landscaping dominated by a vast area of concrete and visible redundant services.

Opportunities

Mount Street Bridge Node requires landscaping enhancement that extends beyond the current pedestrian node. The immediate context of the site includes ill-placed car

parking that appear to have evolved without consideration of the significant axial views and way finding function of the site.

There is a great opportunity to rectify the current situation through the creation of a strong, distinctive design. In particular, the proposed draft concept design aims to:

- heighten the sense of arrival into the city from the bridge crossing;
- reinforce the link between the CBD and Kings Park;
- improve the pedestrian environment by providing visual way-finding, sculptural interest and enhanced view of the bridge;
- provide improved amenity; and
- enhance night time character by improving the lighting.

Concept Design

The following items have been addressed in the concept plan and will be implemented during construction:

Item	Comment
Reducing visual obstructions	Pruning and consolidation of the existing tall shrubs at both ends of the bridge will clear the axial view of the bridge and greatly improve sightlines. The existing large jacarandas will provide much needed shade.
Consolidation and relocation of parking bays	A five minute bay will be relocated to an existing oversized loading bay. The taxi bay will be relocated nearby to an existing one hour parking bay. The current non-compliant ACROD bay will be relocated to an existing one hour parking bay and built to Australian Standards. The proposed parking bay amendments has been approved in principal by the Parking Working Group, but is subject to supporting data to be provided by analysis of the current usage by video survey.
Display planting bed	Low planting will open up the views to the bridge. A sculpted contoured planting bed will provide structure to a “Kings Park” character display, consolidating the existing native planting corner at the intersection of Mount Street and St Georges Terrace. This also aligns with the Intergovernmental Wildflowers WA initiative.
Main Road WA verges	A rejuvenation of the neglected freeway embankments will enhance views of the bridge from the freeway and the pedestrian experience. Such proposals are welcomed by Main Roads WA as they align with the Intergovernmental Wildflowers WA initiative.

Item	Comment
Seating	The provision of new seating nestled under trees and within new planting beds will provide amenity and respite. Seating will be designed to reference the character of the Florence Hummerston Reserve.
Lighting	The introduction of feature lighting will contribute to the overall presentation and ambience of the landscape node and comfort and safety of pedestrians at night time.
Central Node Paving	The centre of the landscape node will feature quality paving consisting of Donnybrook sandstone with basalt edging, referencing its use in the nearby Florence Hummerston Reserve and Sir Charles Court memorial on St Georges Terrace.

The commissioning of an integrated public artwork will further enhance the space. This sculptural installation will form part of a separate commission to be facilitated by the Arts, Heritage and Culture Unit following within a year of the landscape upgrade. Provision for CCTV and Wi-Fi will also be investigated to ensure coverage is enabled in the future.

FINANCIAL IMPLICATIONS:

ACCOUNT NO: CW 1990
BUDGET ITEM: Mount Street - Bridge Node
BUDGET PAGE NUMBER: 38
BUDGETED AMOUNT: \$385,000
AMOUNT SPENT TO DATE: \$ 2,755
PROPOSED COST: \$385,000
BALANCE: \$382,245

An independent cost estimate will be prepared on the draft concept design. The estimate will include in-house costs, project management and professional fees.

All figures quoted in this report are exclusive of GST.

COMMENTS:

The approach to Mount Street Bridge from the CBD through to Kings Park is a strategic link and highly valuable iconic view in the city. The proposed landscape enhancement including parking alterations will be instrumental in providing clarity to this key approach to Kings Park.

MRWA have expressed in principle support for the proposed improvement works to the landscape areas within their boundaries. They have agreed to review detailed concept plans in order to further any discussions regarding complimentary maintenance works for the upgrade and ongoing management.

There is also the opportunity to work closely with Kings Park to showcase new specimens and trial the latest native planting techniques to improve their resilience in a harsh urban environment.

Whilst construction works at the Capital Square development site includes interim allocation of workzone parking the southern edge of Mount Street, temporary provision for taxi bays will be made nearby within the central parking zone.

Construction for the enhancement of Mount Street Bridge Node is programmed to commence in April 2017. The works are anticipated to be completed by the end of June 2017. During the construction the focus will be on minimising disruption to pedestrians, vehicles and businesses.

A communications plan will be developed to ensure that all stakeholders are adequately notified of works and to deal with any specific needs around access requirements during the works.

ITEM NO: 22

TENDER 025-16/17 – PARLIAMENT PLACE / HARVEST TERRACE ROAD RECONSTRUCTION

WORKS AND URBAN DEVELOPMENT COMMITTEE RECOMMENDATION: (APPROVAL)

That Council accepts the most suitable tender, being that submitted by CIVCON Civil and Project Management Pty Ltd, for the Parliament Place/Harvest Terrace Road Reconstruction at a lump sum price of \$758,830 (excluding GST).

BACKGROUND:

FILE REFERENCE: P1033065-2
REPORTING UNIT: Construction
RESPONSIBLE DIRECTORATE: Construction and Maintenance
DATE: 30 September 2016
MAP / SCHEDULE: Schedule 32 – Concept Ideas – Road Reconstruction
Confidential Schedule 33 – Tender Assessment Matrix
Schedule 34 – Quantity Surveyor Estimate
(Confidential Schedules have been distributed to Elected Members under separate cover)

The Committee recommendation to the Council for this report was resolved by the Works and Urban Development Committee at its meeting held on 18 October 2016.

The Committee recommendation to the Council is the same as that recommended by the Officers.

Reconstruction works are required for the deteriorated road pavement at Parliament Place and Harvest Terrace intersection. The granite pavers on Parliament Place require replacement with asphalt, as the continuous traffic loading is loosening them. The additional maintenance is not cost effective. The loose cobblestones present a hazard for pedestrians, cyclists and vehicles. Without intervention there would be a continuing liability for both maintenance and safety.

There is a limited period of time available for the completion of these works, due to their location. Construction works must be scheduled to avoid parliamentary sitting dates. The works have been programmed for completion during the parliamentary recess, completing prior to the Australia Day Sky Works event. It was essential that the preferred contractor demonstrate their ability to manage schedule risk effectively.

A failure to accept the current tender at this meeting would result in a significant delay to the project. The implementation would be required to be rescheduled to coincide with a parliamentary recess of suitable length. This would either be during the upcoming state election (which present scheduling issues due to uncertainties), or during the next summer recess.

Due to the value of the existing granite pavers, there will be a requirement for an asset write-off amount, related to the granite pavers. The granite pavers have been identified within the contract for recycling, and this value will be returned to the City. The asset write-off report will therefore be finalised once this amount is known.

An invitation to tender for the road reconstruction works was advertised on 3 August 2016 in the West Australian.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation Local Government (Functions & General Regulations) 1996
Part 4 – Tenders for Providing Goods and Services.

Integrated Planning and Reporting Framework Implications **Strategic Community Plan**
Council Four Year Priorities: Living in Perth
S9 Promote and facilitate CBD living.

Policy
Policy No and Name: 7.0 – Purchasing Policy

DETAILS:

Technical Requirements and Background

The project proposal is to replace the granite pavers with asphalt, and cobblestone thresholds. The project extends from the intersection for 50 metres in Parliament Place and 50 metres each way in Harvest Terrace Road.

A prominent feature of the original design was the paved T-junction which encompasses the road and verges to create the sense of a forecourt to Parliament House and to calm traffic moving through the street. A suitable treatment to replicate the 'forecourt' design intent, as a means of improving pedestrian safety, will be the incorporation of cobble stones (attached as Schedule 32).

The granite pavers and reinforced concrete slab have been identified in the contract for recycling. A nominal value will be returned to the City for the granite pavers.

Asset Write-Off Implications

The current asset book value for the related assets is \$1,376,000 and the forecast asset value post works is \$500,000. The granite pavers, which are valued at \$1 million, represent the bulk of this original asset value. It is expected that the recycling value of the granite pavers received will be in the region of \$20,000 to \$25,000. The

net reduction on the asset value will therefore be approximately \$850,000. The project is justified by the maintenance savings and reduction in liability as a result of improved safety.

A finalised asset disposal report will be provided to Council once the works are completed and the exact values can be confirmed.

Communications

A communications plan has been developed, and this will be implemented following Council approval of the works. Consultation with the Parliamentary Services is ongoing, with the proposed dates for the work agreed in principle.

The communication of these works to the wider community will be integrated with the adjacent Harvest Terrace Cycle Infrastructure Upgrade works. Both projects are being undertaken during the same time period.

Contract Arrangements

The works will be delivered under a lump sum contract arrangement. Only partial road closures will be permitted during construction.

Working hours are Monday to Sunday, 7.00am and 7.00pm. Construction will commence at the conclusion of the parliamentary sittings on 26 November 2016. The contract requires the road be fully re-opened no later than 25 January 2017 to facilitate the Australia Day Sky Works event. The preferred contractor is indicating a 6 January 2017 completion date.

Summary of Submitted Tenders

Nine offers were received through the City of Perth's electronic tender website from the following contractors on 30 August 2016:

- Industrial Road Pavers;
- D.B. Cunningham Pty Ltd trading as Advantearing Civil Engineers;
- JAXON Civil Pty Ltd;
- MMM (WA) Pty Ltd;
- Menchetti Consolidated Pty Ltd trading as MG Group;
- CIVCON Civil and Project Management Pty Ltd;
- Tracc Civil Pty Ltd;
- CQ & JM Dowsing PL ATF The Dowsing Family Trust trading as Dowsing Group; and
- BCL Group.

Tender Assessment and Evaluation Summary

The submissions received were assessed against the following seven criteria:

- SC1 Management and Personnel;

- SC2 Project Appreciation and Methodology;
- SC3 Relevant Experience;
- SC4 Safety and Risk Assessment;
- SC5 Ability to Meet the City's Timeframe;
- SC6 Quality Control Procedures; and
- SC7 Tendered Price.

A confidential Tender Assessment Matrix is attached as Confidential Schedule 33. An evaluation summary against the non-priced based selection criteria has been provided below:

Industrial Road Pavers

The submission demonstrates limited understanding of the scope of works involved. No staging and construction management plan has been provided. Quality and safety have not been addressed to sufficient detail with only a generic inspection test plan and work method statements being enclosed. The program provided was also very difficult to comprehend.

The contractor has experience in road reconstruction works but is more involved with carpark resurfacing projects.

D.B. Cunningham Pty Ltd trading as Advantearing Civil Engineers

The submission demonstrates an understanding of the scope of works involved but has indicated that the works will be done under a full closure of the intersection. This is in contradiction with the City's tender specifications. Other non-compliance includes the modification to the provided engineering designs. Safety and risk management has not been addressed to sufficient detail.

The offer provided also has a significant number of exclusions which is in contradiction of the lump sum contract arrangement. A generic quality framework and certification has been provided.

The contractor however is very experienced in delivering road reconstruction works in other councils including the City of Perth and State Controlled corridors.

JAXON Civil Pty Ltd

The submission demonstrates a very good understanding of the project with a construction management plan that completes the project in three stages. Traffic management arrangements indicate the works being delivered under partial road closure arrangements. The provided stakeholder management plan provides an engagement strategy to keep surrounding residents and businesses updated on progress including disruptions.

Contractor conforms to safety and quality management requirements. Certification, work method statements and inspection test plans have been included within the submission.

The contractor has no experience in delivering road construction projects within a business district environment has been demonstrated.

MMM (WA) Pty Ltd

The submission demonstrates a good understanding of the scope of works involved from the various management plans being provided. This covers access, stakeholder notification and safety.

The three staged construction plan provided complies with the tender specifications. A quality management framework and certification has been provided, however does not have an inspection test plan for the various deliverables. Safety certification has been provided together with generic work method statements.

The contractor has limited experience in road construction works and have delivered more drainage improvement related projects. It was also difficult to determine from the program if the works could be completed by 25 January 2017.

Menchetti Consolidated Pty Ltd trading as MG Group

The submission demonstrates some understanding of the works involved in the project. The construction management provided has indicated that the works will be delivered under a full closure of Harvest Terrace, in contradiction with the tender specifications.

A generic safety management framework has been provided but with no work method statements to address site specific task hazards. Quality assurance has not been addressed to detail with no site specific inspection test plans.

The contractor has no experience in road construction and is more orientated towards buildings and landscaping projects.

CIVCON Civil and Project Management Pty Ltd

The submission demonstrates a good understanding of the project with a construction management plan that completes the works in two stages and maintains traffic flow through the site with partial road closures.

The program provided has shown the earliest completion of 6 January 2017. This has been confirmed in writing by CIVCON Civil and Project Management Pty Ltd and liquidated damages will apply from this date unless the Superintendent approves an extension to the practical completion date.

Other documents provided include safe works method statements for site specific hazards and a descriptive risk management process. A good understanding in quality assurance is demonstrated with a project specific inspection test plan that identifies a continuous improvement process involving non-conformance reporting and rectification.

The contractor has extensive experience working on complex major projects within the City of Perth.

Tracc Civil Pty Ltd

The submission demonstrates a good understanding of the scope of works and associated risk involved. The entity is a Main Roads pre-qualified civil contractor and has previous road reconstruction experience in other urban councils working under live traffic conditions.

A generic safety management framework has been provided but fails to mitigate site specific hazards. Quality assurance has not been addressed in sufficient detail.

The construction staging has identified a full road closure of Parliament Place including the northbound carriageway of Harvest Terrace, in contradiction of the tender specifications. Other non-compliance includes the suggested use of crushed rock instead of limestone as specified in the engineering designs provided.

CQ & JM Dowsing PL ATF the Dowsing Family Trust trading as Dowsing Group

The submission demonstrates a good understanding of the scope of works involved.

The construction management plan has specified a three staged delivery approach that includes a detailed description of works involved with the demolition, road construction and reinstatement. Safety Management covers project specific work method statements. Inspection test plans for specific deliverables and quality certifications have been provided within the submission.

The contractor is experienced in road construction and has previously been involved with major freeway duplication projects. However, does not demonstrate value for money when the offer price is taken into consideration.

BCL Group

The submission demonstrates an understanding of the project scope with a construction management plan showing the works being completed in three stages under partial road closure arrangements.

Risk and quality accreditation has been provided without work method statements and inspection test plans to address site specific issues. The environmental and stakeholder management framework provided has been found to be generic.

The contractor has not demonstrated previous experience working in a CBD environment or on similar projects.

Pre-Tender Estimate

The City engaged a Quantity Surveyor to prepare a cost estimate (attached as Schedule 34) based on the same procurement documentation to provide a basis for

the assessment of the price based criteria. The returned independent estimate valued the total project cost at \$899,600. This comprised of:

Lump sum construction contract	\$ 463,856
Provisional sum	\$ 95,000
Contractor preliminaries and overheads including profit	\$ 178,944
Internal staff time and design consultancy cost	\$ 161,800
Total	\$ 899,600

A City of Perth risk assessment identified a further \$225,000 in a provisional sum for service adjustments below the concrete slab.

The total estimated project cost is \$1,124,600.

All prices quoted are exclusive of GST.

Combined Qualitative and Priced Based Assessment Ranking

The following table lists nine submissions by order of merit when both the qualitative and price based criteria were taken into consideration.

Table 1: Tender Submissions Order of Merit

Rank	TENDERER	OFFER SUBMISSIONS, including provisional sum \$320,000	
		Excluding GST	Including GST
1	CIVCON Civil and Project Management Pty Ltd	\$758,830.00	\$834,713.00
2	CQ & JM Dowsing PL ATF The Dowsing Family Trust trading as Dowsing Group	\$866,889.75	\$953,578.73
3	JAXON Civil Pty Ltd	\$709,537.00	\$780,490.70
4	D.B. Cunningham Pty Ltd trading as Advantearing Civil Engineers	\$636,410.00	\$700,051.00
5	Tracc Civil Pty Ltd	\$837,529.38	\$921,282.32
6	MMM (WA) Pty Ltd	\$726,001.92	\$798,602.11
7	BCL Group	\$871,302.31	\$958,432.54
8	Menchetti Consolidated Pty Ltd trading as MG Group	\$740,751.34	\$814,826.48
9	Industrial Road Pavers	\$634,030.00	\$697,433.00

FINANCIAL IMPLICATIONS:

ACCOUNT NO:	CW - 2002
BUDGET ITEM:	Parliament Place - Harvest Terrace - Havelock Street
BUDGET PAGE NUMBER:	38
BUDGETED AMOUNT:	\$ 1,900,000.00
AMOUNT SPENT TO DATE:	\$ 18,566
PROPOSED COST:	\$ 758,830 (including \$320,000 in provisional Sums, for Stage 1 works)
BALANCE:	\$ 1,122,604 for Stage 2 Works
ANNUAL MAINTENANCE: \$5000	Street sweeping
ESTIMATED WHOLE OF LIFE COST:	\$ 102,400

All figures quoted in this report are exclusive of GST.

COMMENTS:

Value for Money Assessment

The offer provided by CIVCON Civil and Project Management Pty Ltd demonstrates value for money given that they have scored the highest when the price component is taken into consideration with the other six qualitative selection criteria.

CIVCON Civil and Project Management Pty Ltd's offer of \$438,830 offer excluding provisional sums demonstrated value for money when compared to all submitted tenders.

Their responses demonstrated a thorough and detailed understanding of the project and desired outcome. A very competent team with the experience in carrying out road reconstruction has been presented with a well-documented work methodology that completes the project in two stages. All other submissions have either identified a three staged construction plan or works under a single full road closure condition.

They have extensive experience working within the city and have successfully completed major projects that comprise of Elizabeth Quay, St Georges Terrace Drainage, Perth City Link and Water Corporation Upgrade Works along Wellington Street.

At the conclusion of the assessment process, CIVCON Civil and Project Management Pty Ltd was evaluated as being the preferred tenderer with the ability to complete the works by 6 January 2017 which is 19 days in advances of Australia Day to facilitate the Sky Works event traffic management. CIVCON Civil and Project Management Pty Ltd will also be able to deliver under partial road closure traffic management arrangements.

It is therefore recommended to accept the lump sum tender price of **\$758,830.00** including a provisional sum (excluding GST) submitted by CIVCON Civil and Project Management Pty Ltd.

It needs to be noted that the current economic climate has worked in the City's favour with offer submissions being below estimated projected cost.

OTHER REPORTS

ITEM NO: 23

TENDER/QUOTATION 045-16/17 FOUNTAIN REMEDIATION WORKS – COUNCIL HOUSE

RECOMMENDATION: (APPROVAL)

That the Council accepts the most suitable tender/quotation from Duratec Australia Pty Ltd for the fountain remediation works at Council House, Option 1, (Tender/Quotation 045-16/17) for the lump sum price of \$508,783.57 (excluding GST).

BACKGROUND:

FILE REFERENCE: P1033211
REPORTING UNIT: Finance
RESPONSIBLE DIRECTORATE: Corporate Services
DATE: 24 October 2016
MAP / SCHEDULE: Confidential Schedule 35 – Evaluation Matrix
Confidential Schedule 36 – Schedule of Quantities
(Confidential Schedules have been distributed to Elected Members under separate cover)

This report is submitted directly to Council due to limited time being available to consider the matter.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation Section 3.57 of the *Local Government Act 1995*
Part 4 of the *Local Government (Functions and General) Regulations 1996*

Integrated Planning and Reporting Framework Implications **Corporate Business Plan 2013/14 to 2017/18**
Council Four Year Priorities: Capable and Responsive Organisation
S18 Strengthen the capacity of the organisation

Organisational Development Plan
G6 Asset Management

Policy
Policy No and Name: 9.7 - Purchasing

DETAILS:

Tenders were originally called on 16 April 2016 (Tender No 096-15/16) for these works. Two tenders were received on the closing date of 26 May 2016.

Following a thorough assessment sufficient comparisons were not able to be made between the two tenders and it was recommended to the CEO under Delegated Authority 1.2.9 that tenders be declined in accordance with Regulation 18(5) of the *Local Government (Functions and General) Regulations*.

Public tenders were not required under Regulation 4, Clause 11 (2) (c) of the *Local Government (Functions and General) Regulations 1996* and on 14 September 2016, companies attending the mandatory site briefing for the previous tender were invited to submit a bid for Quotation 045-16/17 – Fountain Remediation Works – Council House. A mandatory site inspection was held on 22 September 2016 with the following companies attending:

- Duratec Australia Pty Ltd;
- Go 2 Group;
- Reflections Pool and Spa; and
- Saunders International Ltd.

Quotations closed at 2.00pm on Tuesday 27 September 2016, with the following bids received:

Bidder	Option 1	Option 2	Option 3
	Mosaic Tiles	Fibre Reinforced Plastic Lining	Elastomeric Polyurea Coating
Duratec Australia Pty Ltd	\$508,783.57	\$416,145.38	\$407,088.64
Saunders International Ltd	\$495,092.80	\$547,541.80	\$421,516.60

(All figures quoted exclude GST)

The lump sum amounts for the three options consist of the following:

- Provisional Quantity cost items for repairs to screed and render with alternate lump sum (rate only) cost items for complete screed / render replacement.
- The lump sum for galvanising existing fountain basin supports removed and replaced with the lump sum cost for the provision of new stainless steel fountain basin supports.

A detailed breakdown of fees is attached in Confidential Schedule 36 – Schedule of Quantities.

Bids were assessed against the following criteria

1. Compliance criteria (Yes/No basis of scoring)
 - 1.1 Compliance with Conditions of Contract
 - 1.2 Compliance with Conditions of Financial Viability
 - 1.3 Compliance with Conditions of Financial Assessment

2. Qualitative Criteria
 - 2.1 Demonstrated Capacity and experience
 - 2.2 Key Personnel
 - 2.3 Plant and equipment
 - 2.4 Performance and methodology
 - 2.5 Quotation costs

Compliance Assessment

Duratec Australia Pty Ltd scored a “Yes” to all of the compliance criteria. Saunders International Ltd offered adjustments to the contract conditions that required further clarification. As a result, they scored a non-compliance with the Conditions of Contract, however were compliant with the remaining two criteria. The non-compliance of the Conditions of Contract did not exclude Saunders International Ltd from the qualitative assessment.

Qualitative Assessment

Demonstrated Capacity and Experience:

Duratec Australia Pty Ltd and Saunders International Ltd provided a detailed address of the criterion. Duratec Australia Pty Ltd were rated the highest as they provided a good range of recently completed projects of a similar size and nature.

Key Personnel:

Both bidders addressed the criterion sufficiently. The personnel nominated by Duratec Australia Pty Ltd demonstrated more experience with comparable recently completed projects. Duratec Australia Pty Ltd rated slightly higher than Saunders International Ltd.

Plant and Equipment:

Both bidders addressed this criterion sufficiently and were rated equally as a result.

Performance and Methodology:

Duratec Australia Pty Ltd rated the highest in this criterion as they provided a comprehensive methodology and program for all three options that reflected working around public holidays and completing the project earlier than the required timeframe of 20 January 2017.

Saunders International provided a methodology and program for the mosaic tile option only and subsequently did not rate as high.

Quotation Costs:

Saunders International; scored the highest in this criterion for the mosaic tile option (Option 1). Duratec Australia Pty Ltd scored higher in the criterion for Options 2 and 3 However Option 1 is preferred and as a result, Saunders International Ltd rated higher in the assessment matrix.

FINANCIAL IMPLICATIONS:

ACCOUNT NO:	CW 0528
BUDGET ITEM:	Upgrade Driveway and Associated Drainage
BUDGET PAGE NUMBER:	40
BUDGETED AMOUNT:	\$760,558.00
AMOUNT SPENT TO DATE:	\$ 7,996.70
PROPOSED COST:	\$508,783.57
BALANCE:	\$243,777.73
ANNUAL MAINTENANCE:	\$ 35,320.00
ESTIMATED WHOLE OF LIFE COST:	\$883,000.00

All figures quoted in this report are exclusive of GST.

COMMENTS:

Mosaic Tiles (Option 1) is the preferred option to progress. When compared to the fibre reinforced plastic and elastomeric polyurea coating options (Options 2 and 3 respectively), Option 1 is preferred due to:

- The mosaic tile options represents the original fountain design and is the preferred option for State Heritage WA;
- Tiles will offer a protective coating to the waterproof membrane and should result in lower maintenance costs; and
- The finish of the tiles are more durable than the fibre reinforced plastic and elastomeric polyuria coating options, which would both require reapplication of UV coatings at 10 – 15 year intervals.

An estimate of the works was sought from a Quantity Surveyor prior to receiving the quotations. Option 1 including preliminaries was estimated at \$375,385.00 excluding GST. The amount of \$508,783.57 for Option 1 submitted by Duratec Australia Pty Ltd exceeds the estimate supplied. The City's consultant suggests this could be due to:

- The industry being very competitive at the present time, some cost savings may have been expected. The effect this would have had on price for this specialist work may have been overestimated;
- Items 2.8.1 and 2.8.6 were submitted as unit rates as opposed to Lump Sum values and would therefore exceed the initial estimate: and

- Item 2.13 tiling costs has been under-priced as Duratec Australia Pty Ltd has priced for mosaic tiles which take into account the desire to match the original colour and type. The estimate would likely have priced for standard mosaic tiles.

Duratec Australia Pty Ltd provided a submission that fully satisfies the requirements of the compliance and qualitative criteria. They ranked first in the assessment matrix and as a result, their submission is recommended for approval to progress Option 1 – Mosaic Tiles for Quotation 045-16/17 Fountain Remediation Works, Council House at a lump sum cost of \$508,783.57 excluding GST.

ITEM NO: 24

REQUEST FOR REIMBURSEMENT OF LEGAL EXPENSES – CR JAMES LIMNIOS

RECOMMENDATION:

(APPROVAL)

That Council approves the request dated 25 October 2016 by Cr James Limnios for reimbursement of \$2,370.50 (Inc GST) for legal expenses incurred in his capacity as an Elected Member of the City of Perth.

BACKGROUND:

FILE REFERENCE: P1011904
REPORTING UNIT: Governance
RESPONSIBLE DIRECTORATE: Corporate Services
DATE: 25 October 2016
MAP / SCHEDULE: Schedule 37 – Media Release – Corruption and Crime Commission
Schedule 38 - Council Policy 10.16 - Legal Representation for Members and Employees
Schedule 39 - Statutory Declaration – Cr James Limnios

This report is submitted directly to Council due to limited time being available to consider the matter.

On the 25 October 2016 a request was received by the Deputy Lord Mayor - Cr James Limnios for reimbursement of legal expenses in accordance with Council Policy 10.16 - Legal Representation for Members and Employees.

The Deputy Lord Mayor was served a summons in May 2016 to attend a Private Hearing of the Corruption and Crime Commission on the circumstances surrounding the departure of the former Chief Executive Officer of the City of Perth and whether any serious misconduct occurred by any Elected Member or current/former employee of the City of Perth.

The Deputy Lord Mayor was unable to contact the City of Perth to advise of the matter or seek financial assistance as a Disclosure Prohibited Notice meant the only contact that could be made was to appoint a legal representative. This prohibition was subsequently lifted by the Corruption and Crime Commissioner, John McKechnie QC on 29 June 2016.

The Deputy Lord Mayor engaged both Timpano Legal (\$1,325.50) and Hotchkin Hanly Lawyers (\$1,045) as Legal Counsel. It is to be noted that Hotchkin Hanly assisted in the initial advice and that Timpano Legal assisted with the preparatory Counsel and support at the Private Hearing.

On the 29 June 2016 the Corruption and Crime Commission issued a media release advising that a City of Perth Inquiry had been undertaken and no serious misconduct was found (refer to Schedule 37).

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Section 9.56 of the *Local Government Act 1995*
Department of Local Government Operational Guidelines
Number 14 - Legal Representation for Council Members and
Employees

Integrated Planning and Reporting Framework Implications

Strategic Community Plan

Council Four Year Priorities: Capable and Responsive
Organisation

S18 Strengthen the capacity of the organisation

Policy

Policy No and Name: 10.16 – Legal Representation for Members and Employees

DETAILS:

Section 9.56 of the *Local Government Act 1995* (the Act) provides protection from actions of tort for anything a council member or employee has, in good faith, done in the performance or purported performance of a function under the Act or under any other written law.

Section 3.1 of the Act provides that the general function of a local government is to provide for the good government of persons in its district. Section 6.7(2) provides that money held in the municipal fund may be applied towards the performance of the functions and the exercise of the powers conferred on the local government by the Act or any other written law. Under these provisions, a council can expend funds to provide legal representation for council members and employees, as long as it believes that the expenditure falls within the scope of the local government's function.

In accordance with Department of Local Government Operational Guidelines Number 14 - Legal Representation for Council Members and Employees, the City of Perth has established a Council Policy 10.16 (refer to Schedule 38) to determine the criteria for eligibility and handling of claims to assist with Legal Representation.

City of Perth Policy 10.16 establishes a number of criteria in order for a person to be eligible for reimbursement for legal expenses. The criteria and assessment are detailed below:

Criteria	Assessment
The legal representation costs must relate to a matter that arises from the performance, by the member or employee, of his or her functions as a member or employee.	The scope of the hearing called upon information from Cr Limnios in his capacity as the Deputy Lord Mayor.
The legal representation cost must be in respect of legal proceedings that have been, or may be, commenced.	The policy defines as; “legal proceedings” may be civil, criminal or <u>investigative</u> (including an inquiry under any written law). The notice of Summons to attend the hearing was issued under section 96 of the <i>Corruption, Crime and Misconduct Act 2003</i> .
In performing his or her function, to which the legal representation relates, the member or employee in the Chief Executive Officer’s, or where the employee is the Chief Executive Officer, the Council’s opinion must have acted in good faith, and conduct under the City’s Code of Conduct, Local Government (Rules of Conduct) Regulations 2007 or other written law	As detailed in the Corruption & Crime Commission media release no adverse findings were found against Cr Limnios or any representative of the City of Perth.
The legal representation costs do not relate to a matter or dispute in respect of a Local Government Election process.	This matter is unrelated to the Local Government Election process.

Having satisfied the above criteria the application is required to be accompanied by a signed declaration by the relevant member or employee that he or she:-

“3.2

(a) has read, and understands, the terms of this Policy;

(b) has acted in good faith, and has not acted unlawfully or in a way that constitutes improper conduct in relation to the matter to which the application relates;

(c) acknowledges that any approval of legal representation costs is conditional on the repayment provisions of clause 7 and any other conditions to which the approval is subject; and

(d) undertakes to repay to the City any legal representation costs in accordance with the provisions of clause 7, as may be required by the City and the terms of this Policy.

Cr Limnios has supplied a Statutory Declaration which is attached as Schedule 39.

The Council Policy 10.16, in respect of an application for payment of legal representation costs, may:–

“5.1

(a) refuse the application;

(b) grant payment; or

(c) grant payment subject to conditions.”

FINANCIAL IMPLICATIONS:

The amount being claimed is below the \$5,000 excess for professional indemnity insurance held with LGIS.

Sufficient funds are allocated in the City of Perth Governance Legal Expenses Account to accommodate this request.

The total amount sought to be reimbursed by this claim is \$2,370.50 (Including GST).

COMMENTS:

In the event that any future adverse findings are made in respect to this matter Cr Limnios has signed a statutory declaration that the reimbursed funds would be returned to the City of Perth (as required in section 3.2 of Council Policy 10.16).